

Mr. EDMUNDS. I always had the impression that when a piece of evidence was offered in a court where there were two judges and they disagreed, the evidence did not go in.

Mr. THURMAN. No; the objection fails and the evidence goes in.

Mr. EDMUNDS. But that does not touch the point. The Senator assumes that the certificate, as he calls it, is a certificate; but take the case proposed by my friend from Indiana; one party says it is a forgery; or suppose it does not bear the seal of the State at all; suppose there is to the mind of every intelligent man no evidence on its face that it is what it purports to be. What are you to do then? You do not get ahead any at all by any such proposition as that; you are bound to take it without any regard to what may be its character upon its face. The Senator may say you must presume that Senators and Representatives will exercise a conscientious and deliberate judgment. Then if they do exercise a conscientious and deliberate judgment, there is no occasion for the fears and suppositions he has expressed about where the two Houses may be opposed in politics, if that had anything to do with it, as it ought not, as to their throwing off all the votes under the present rule. You cannot presume such a case.

Mr. MORTON. Will the Senator allow me a moment?

Mr. EDMUNDS. Yes, sir.

Mr. MORTON. As the rule now stands if an objection is made to counting the vote of Vermont, it may be of the most trifling character, because some *t* is not crossed or some *i* is not dotted; the two Houses separate and vote; if one House sustains the objection and the other House overrules it, the vote of Vermont is lost. The effect of that is that the presumption is against the correctness of that vote, because it requires the affirmative vote of both Houses to admit it. But if you change the rule and require the affirmative vote of both Houses to reject it, then the presumption of law is in favor of the certificate; so that the illustration made by the Senator does not apply.

As I understand the law to be, where a piece of original evidence is offered in a court below where there are two judges presiding and the judges are divided in opinion, there is no court there to admit it, it is rejected; but if you take an appeal from the court below to a superior court where there are two judges and these judges are divided upon it, then the presumption stands in favor of the opinion of the court below and the evidence goes in.

Mr. EDMUNDS. The Senator is right in his conclusion that the judgment is affirmed, but not for any such reason as he gives, if he will pardon me for stating it quite so curtly, for I do not mean to be curt. On an appeal, where the appellate court is divided the judgment below is affirmed, not on any presumption but on the theory that the judgment of a competent court stands until it is reversed, and unless there is some special law for a *superedeas* it goes into execution even if it is appealed from or a writ of error is brought; and therefore when a writ of error is brought to the judgment of an inferior court and it is brought before the superior court, the judgment is affirmed if the court be equally divided, not on the ground of any presumption but because that judgment stood all the time and perhaps was executed when the case was heard, and it cannot be reversed until there is a majority to reverse it.

Mr. MORTON. I think the presumption in law is in favor of the decision of the lower court until it is reversed.

Mr. EDMUNDS. There is no such proposition that the Senator can find in any law book. There is no presumption about it; it stands on fact, and that fact is that the judgment of the court below is a competent and conclusive judgment until it is reversed, not upon presumption, but upon the existence of a judicial order by a court of competent jurisdiction. If I am wrong about that, I shall be glad to be corrected.

Mr. MORTON. It is a difference in words.

Mr. EDMUNDS. It is not a difference in words; it is a difference in ideas. But take the case that the Senator supposes in his interruption. He says take the vote of Vermont; if the two Houses must concur in receiving it, then one House, if a "*t*" is not crossed, may reject it, and the vote of Vermont is lost. That would be very bad. That goes upon the presumption that one house would be sticking in the letter, sticking in the bark, and overlooking the substance. Let me suppose another case. Suppose the paper that the Vice-President receives and opens to be counted according to the Constitution is not the vote of Vermont at all; that it has been sent as the vote of Vermont from the State of Indiana; nevertheless, on the Senator's rule, unless both Houses concur in saying that they will not have the State of Indiana vote for Vermont, she votes. That illustrates both sides of the rule.

All this matter was a good deal discussed when this rule was adopted, and has been somewhat discussed since. There is great difficulty, I agree, in having the rule either way, and it forces me more and more to the conclusion that whatever doubts Senators may have in respect to the constitutional power to pass a law to carry into effect a constitutional function, we ought to try the experiment of having the two Houses and the Executive, making the sovereign power of the United States provide a rule that is a law, which shall point out precisely what shall be done. I should much prefer to stand in a constitutional sense upon a law which should state exactly what the rule does as the Senator proposes to amend it, supposing that were right, than to stand upon the rule. I know of no power in the Constitution which gives the two Houses, concurrently by a joint rule, power to regulate anything whatever which affects the interest of the people

of the United States. That is a legislative power. They may regulate their intercommunications, the relations that they bear to each other, but when they come to exercise a function which the Constitution is said to have reposed in them—I do not say it has—which touches the interests of the people of the United States, then I submit that they have no more power to regulate their action in respect to that by a rule than they have to pass laws by a rule.

It seems so to me to-day, and I have heard it expressed by Senators who are older and wiser than I am in the nine years I have been here, and I am very glad the Senator from Indiana has brought forward this topic, for it is most interesting and important. We ought all to be obliged to him for that; but it is so important, and involves so many difficulties, real or supposed, that I think we ought to take some little time to consider it. Considering it diligently, bringing it up again to-morrow, or the next day, or very soon, I think we ought to have a little time to look into it. I move, with that view, to refer it to the committee of which the honorable Senator is chairman, who can examine the subject, and other Senators, it being now brought up, may devote their attention to it.

The PRESIDING OFFICER. That motion is pending.

Mr. EDMUNDS. Very well.

Mr. MORTON. I have no objection to this reference. I do not desire to press the matter prematurely on the consideration of the Senate; but our business has now become a question of time; we have but twenty-five working days left; and I think we should commit a crime against the country if we suffer this Congress to adjourn without modifying or repealing the twenty-second joint rule. There is danger of this thing being jammed off without having any action taken upon it at all. That is the only objection I have to the reference.

Mr. FRELINGHUYSEN. I think a reference would facilitate action.

Mr. MORTON. If it be the understanding that it shall again claim the attention of Senators on its being reported back, without delay, I have no objection to the reference on my part.

Mr. CONKLING. That is the understanding.

Mr. MORTON. Then I am willing that the reference shall be made if it is thought best.

The PRESIDING OFFICER. The Chair hears no objection, and the reference will be made. The resolution is referred to the Committee on Privileges and Elections.

Mr. THURMAN. I do not believe there will be the slightest delay. All I hope is that the committee will consider it fully.

The PRESIDING OFFICER. The resolution is committed to the Committee on Privileges and Elections.

#### ORDER OF BUSINESS.

Mr. SCHURZ. I move that the Senate do now adjourn.

Mr. SHERMAN. Before that is done I move, with a view to have it the unfinished business to-morrow, to take up the bill reported by the Committee on Commerce that is called the steamboat bill. I do it at the suggestion of the Senator from Michigan, [Mr. CHANDLER,] who has charge of it.

Mr. SCHURZ. Very well.

Mr. CONKLING. I hope that bill will not be taken up with the Senate in its present condition.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio.

Mr. CONKLING. The Senator from Massachusetts [Mr. BOWEN] is not here. He is a member of the committee. He has had in large part charge of this subject. He is in process of investigating it. His investigations may have been concluded. He may be able to do what behooves him to-morrow; he may not. Senators have gone, three-fourths of them on this side of the Chamber, expecting no such thing. I ask the Senator from Ohio to wait until to-morrow morning when the Senate will be full.

Mr. SHERMAN. Perhaps my duty will be done by bringing the matter to the attention of the Senate and giving notice that at one o'clock to-morrow the Senator from Michigan will move to take up the bill. He has charge of it, and I do not want to take charge of it at all. I hope the friends of the bill without further notice will understand that at this period of the session it is about the last chance to pass it.

Mr. CONKLING. I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and twelve minutes p. m.) the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, February 4, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read.

#### CORRECTION OF THE JOURNAL.

Mr. CESSNA. I rise to a correction of the Journal. I understood the Clerk to read that the amendment of the gentleman from Connecticut [Mr. KELLOGG] was offered to my substitute. I understood it was offered as an amendment to the original bill.

The SPEAKER. It was offered as an amendment to the original bill. That will be corrected and the Journal then approved.

## CORRECTION OF A VOTE.

Mr. PACKARD. I rise to a personal explanation. When the vote was taken on Tuesday last on the amendment to the new rule, substituting the words "two-thirds" for "three-fourths," I was paired with my colleague, Judge WOLFE, and so announced to the House. I voted on the next vote on the adoption of the rule, and supposed the pair did not extend to that vote. It is my duty to say my colleague supposed it did extend to it, and was absent, deeming himself paired, as otherwise he would have been present and voted "no."

Mr. SPEER. Would the result have been changed?

Mr. PACKARD. It would not.

Mr. LAMAR. I rise to a personal explanation. In the RECORD of the 3d instant I am reported as using the following language:

Mr. LAMAR. Since I have been here I have treated the Chair with respect, and he has no right to make that point on me.

These words are not mine, and as they are not justified by either the manner or language of the Speaker to myself, I desire to correct the report. My words were, "I disclaim any such imputation."

There is another mistake in the report of yesterday's proceedings. I am reported thus:

Mr. BUTLER, of Massachusetts. What gentleman on the other side of the House called the gentleman from Texas to order?

Mr. LAMAR. I did not hear him or I should have done so.

My words were: "They did not hear his remark even if they had been inclined to do so."

One other matter. In an article headed "The scene in the House," published in the National Republican this morning, the following statement occurs:

Mr. BUTLER then said, "It was true that he had hung a man in New Orleans, and he gloried in it. The only trouble was that he had not hung enough of them." At this point the confusion became great. The audience in the galleries applauded, the members all sprang to their feet at once, and Mr. McLEAN made a movement as if to cross over to where Mr. BUTLER sat, but was prevented by one of his Texas colleagues and Mr. LAMAR, of Mississippi.

This statement is wholly incorrect. I was not within six feet of the gentleman from Texas at any time yesterday. But, sir, though I observed him closely during the whole affair, I saw nothing threatening or violent in his manner. He made no movement, I am sure, toward the member from Massachusetts. Indeed, his whole manner and tones of voice were very quiet.

Mr. BUTLER, of Massachusetts. I desire to say that I observed no such movement on the part of the gentleman from Texas, Mr. McLEAN.

Mr. McLEAN. There was none.

Mr. PARSONS. I know there was not any.

## ORDER OF BUSINESS.

Mr. DAWES. I ask unanimous consent to take from the Speaker's table the Senate bill providing for the revision of the tariff laws, that it may be referred to the Committee on Ways and Means.

Mr. BUTLER, of Massachusetts. I object.

Mr. SESSIONS. I hope there will be no objection to taking from the Speaker's table the Cattaraugus and Allegany Indian House bill with Senate amendments that it may go to a committee of conference.

Mr. BUTLER, of Massachusetts. I object.

Mr. DAWES. I demand the regular order.

## CIVIL-RIGHTS BILL.

The SPEAKER. The regular order being called, the House resumes the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights. The gentleman from Georgia [Mr. BLOUNT] is entitled to fifteen minutes.

Mr. BLOUNT. Mr. Speaker, within fifteen minutes, the time allotted to me, it is impossible for me to discuss the various questions presenting themselves in connection with this bill. I must, therefore, pass by some lines of thought of great importance, and confine myself to such as have been somewhat neglected in prior discussions. I trust, sir, that there will be nothing in my conduct calculated to produce any indecorum. I trust, sir, that I may say nothing calculated to produce ill-will. We have been here nearly two long years, and while there has been some partisan bitterness between the two parties in the House, our term is now coming near to a close, and many of those gentlemen on the other side of the House will leave, and I opine their faces will never be seen here again; therefore I would not say aught which is calculated to wound.

What occurred in the month of November is known to us all. While we seem a minority we represent the people of this country. In the next House which is to assemble our majority will be some sixty-odd. If we follow the election precedents set by the other side of the House since the war, I do not know how much greater it will be. If we follow those which have been sanctioned apparently in Louisiana where governments were declared to be legal governments although resting on shameless fraud and force, I think the chances are that we will have very little opposition in the next House. I have, sir, an abiding confidence in the virtue, intelligence, and patriotism of the American people. I feel, sir, that I can stand on this floor, as the representative of my section recognized by the American people as the peer of any man who comes here. As such I shall always discuss freely, fairly, and without attempt to wound the feelings of any person, any questions which may come before the House.

Omitting the discussion of such views of the fourteenth amendment as preclude any action on the part of Congress to pass such legislation in the manner in which it has been treated heretofore, I shall ask the attention of the House to another view. This bill provides that the Congress of the United States shall have exclusive jurisdiction in all cases arising under this act. The States can have no authority; if they legislate it is in vain. The State courts cannot take cognizance of it. And what, sir, does all this mean? The fourteenth amendment declares that no State shall pass any law depriving any person of his equal rights on account of race, color, or previous condition of servitude. While I do not quote the language *verbatim* and have not that section before me, that, sir, is the substance of it. This provision refers to every State in the South, to every State in the Union. In the remarks of the gentleman from Florida [Mr. PURMAN] he said:

While we need not, under the dominance of the present political party in Florida, this congressional legislation to secure our citizens in the full and exact enjoyment of all their legal rights and liberties, it is sadly needed in most of the States in the Union; and I am confident that even my unwilling democratic constituents at home will feel a pang of grim pleasure when they learn of the passage of this act, for they possess that same generous charitableness, in common with the rest of the human family, which is always anxious that their neighbors shall be blessed with the same happiness or misery as themselves.

You will take notice that in the State of Florida, the Representative from that State avows that the negroes have every right to which they are entitled.

Again, sir, see what is the condition of affairs in Mississippi. Senator ALCORN, in a speech made in the Senate on May 22, 1874, said:

The negro has been characterized here as an inferior race. Yes, he is inferior in point of education, and I may say in point of numbers, in this nation of ours. Inferior though he be, he controls the destiny of the State from which I come. The power of the Legislature of Mississippi, the political sovereignty of that State, is to-day in the hands of this race. The taxing power belongs to him, the power to legislate with regard to my property, and every right that I enjoy under the guarantees of the State constitution is held at the hand of the negro race; a government of the people, subject to their will in its fundamental and its statute law, what checks and balances have we save those limitations prescribed in the Constitution of the United States? The executive, the judicial, and the ministerial officers of the State are all chosen, if not directly indirectly, by the colored people of that State. I here declare myself in favor of that policy which that colored man declares is necessary to the protection of his race throughout the Union. We need no civil-rights bill there. So far as Mississippi is concerned we have a civil-rights bill of our own more stringent than any you will pass in this Congress, its penalties more severe, its workings more in detail—complete in itself for the protection of the colored people. They stand here through their representative declaring that so far as Mississippi is concerned they desire no legislation upon the part of Congress; they are able to take care of themselves. But they do demand that their race shall be recognized in every State in this Union as they are recognized in the State of Mississippi. Brought under the rule, by reason of the revolution, of the colored people of Mississippi, is it strange that I should advocate a bill guaranteeing the personal rights of the citizens throughout the nation?

Sir, I apprehend that there will be no question that they have their rights in those States when their representatives here and in the Senate avow it.

Now, sir, as I have said on a former occasion, it seems to me plain that under the decisions of the Supreme Court, made by republican judges in the Slaughter-house case, you have no right to legislate where there has been a complete protection by the State of their rights. Judge Bradley, of the Supreme Court of the United States, who by the way dissented from the decision in the Slaughter-house case and is regarded as somewhat extreme in his views, used the following language in his decision in the Grant-Parish cases:

After what has been said, a few observations will suffice as to the effect of the fourteenth amendment upon the questions under consideration.

It is claimed that by this amendment Congress is empowered to pass laws for directly enforcing all privileges and immunities of citizens of the United States by original proceedings in the courts of the United States, because it provides, among other things, that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, and because it gives Congress power to enforce its provisions by appropriate legislation. If the power to enforce the amendment were equivalent to the power to legislate generally on the subject-matter of the privileges and immunities referred to, this would be a legitimate conclusion. But, as before intimated, that subject-matter may consist of rights and privileges not derived from the grants of the Constitution, but from those inherited privileges which belong to every citizen as his birthright, or from that body of natural rights which are recognized and regarded as sacred in all free governments; and the only manner in which the Constitution recognizes them may be in a prohibition against the Government of the United States or the State governments interfering with them.

It is obvious, therefore, that the manner of enforcing the provisions of this amendment will depend upon the character of the privilege or immunity in question. If simply prohibitory of governmental action, there will be nothing to enforce until such action is undertaken. How can a prohibition, in the nature of things, be enforced until it is violated? Laws may be passed in advance to meet the contingency of a violation, but they can have no application until it occurs.

On the other hand, when the provision is violated by the passage of an obnoxious law, such law is clearly void, and all acts done under it will be trespasses. The legislation required from Congress, therefore, is such as will provide a preventive or compensatory remedy or due punishment for such trespasses, and appeals from the State courts to the United States courts in cases that come up for adjudication.

If these views are correct, there can be no constitutional legislation of Congress for directly enforcing the privileges and immunities of citizens of the United States by original proceedings in the courts of the United States, where the only constitutional guarantee of such privileges and immunities is, that no State shall pass any law to abridge them, and where the State has passed no laws adverse to them, but, on the contrary, has passed laws to sustain and enforce them.

Now, Mr. Speaker, how is it that gentlemen can come here and ask members to vote for a law guaranteeing rights which are already guaranteed by State Legislatures and State courts and taking away from State courts their jurisdiction in such cases? Furthermore, sir, I say that this civil-rights bill, if you are in earnest in your construction,



tion of it, is trifling. You talk about giving these people (the negroes) the right to go to the theater, when there is not one of them in a hundred who knows what they are. You talk about allowing them to go into churches, when they have established churches of their own and have refused to worship with the whites. You talk about granting them the right to travel with the white people in the cars, when there is not one of them in five hundred who travels once a year in a train. You talk about giving them the right to go to hotels, when there is not one of them in a thousand who desires the privilege or would avail himself of it if he had it. These people are poor, and these things they care nothing about.

Sir, there are rights that are dear to these people. They have various causes in the State courts, both civil and criminal, in which their rights of person and property are continually brought in question. They are especially often involved in criminal charges. Your party allege that they do not have fair trials in the State courts of the South. You claim that these courts will not dare do them justice. Well, sir, I assert that all this is untrue. But for the purposes of argument I will concede it. These are the rights of most practical value to them.

Then, following the logic of your own reasoning, why do you not regulate all of them by Federal laws and courts, if you are in earnest? Why do you not go forward in a bold and direct line? Why creep along with so much stealth? Stand by your construction of this amendment and your statement of the condition of the South and these States cannot legislate where a negro is involved. We will then have the negroes in South Carolina and Mississippi legislating for the whites, but forbidden to legislate for themselves. We will have the courts in those States, created by the will of the negroes, hearing causes subject to the inhibition that if a negro's rights are involved they cannot entertain them.

These are the absurd conclusions to which your own premises will bear you. If so, where are the rights of the States? What is this but an entire annihilation of them if this doctrine can be asserted and maintained? Let us not misunderstand this issue. If yours is the true construction, then this fourteenth amendment, instead of being what the American people have thought, is but a maelstrom around which the States are dancing giddily and into which they will all eventually be engulfed. Let us retreat while we may from this appalling calamity. Your party, in pressing this measure, is only humoring the fancy of the negro to secure political power. You well know that in all the States he has the same rights as the whites.

The people in the grand majestic voice in November commanded you to halt. Rest assured they will in due time compel your obedience. The scavengers of falsehood were active for you in vain. In vain did you tell the people the rebellion was not yet ended. The effort of your party to produce conflict between the people of the South and the Federal Government you are to find will fail you in your extremity. Inexorable fate demands that you retire from power, and I invoke you to do it with the grace of freemen.

[Here the hammer fell.]

Mr. SENNER. Mr. Speaker, I recognize the fact that I occupy an anomalous position, and but for the fact that I have been most unusually and wantonly assailed by a journal professing to represent the Executive of this Government here, I should not feel it incumbent on me to stand in my place on this floor to justify either the votes I have given or the votes that I shall hereafter give. But as a Representative of the people, be my abilities great, mediocre, or small, I have a right guaranteed by the Constitution, under whoseegis we are to-day legislating, to speak here in my place not only in this discussion but to speak also when my name is reached on the roll-call. I have so spoken responsive to the convictions of my judgment. For so doing I have been assailed and denounced as a Judas Iscariot to the republican party.

Now, I desire to say that the civil rights part of the republican platform has never been regarded in this country as all of republicanism. In 1872 eleven States that had participated in the rebellion voted for the first time since 1860. Of those eleven States eight voted for Ulysses S. Grant for President of the United States; only three sent their votes to the electoral college against him. I venture to say here, in the presence of the House and of the country, that in not one-half of those States, ay, sir, I believe in not one of them, was the civil rights plank of the republican platform made the only test of republicanism, as it has been on this floor in the votes lately given, if the National Republican is to be credited as the organ of the republican party. My own State, that never before had veered from democracy, cast her electoral vote freely, without fear and fairly, without bias for that soldier and statesman, Grant, who had not only been true to the Union in the days when true courage was needed, but who had been true to the Union when statesmanship was required to reconstruct and bring back the wayward sisters of the South.

Yet because a Representative of the people comes here and in his place on the floor of this House does that which he did before his people when he asked for their commission to represent them, he is violently assaulted and foully assailed, and the very right of the Constitution brought in peril which declares that for words spoken or acts done here he is responsible in no other place. Now I deny that that attack in the National Republican stands as an executive threat over the head of any Representative of the people. That scurrilous attack was put there not by executive power, not by executive

suggestion, not by the common sense or sound judgment of my peers on this floor on either side.

Why did I vote against this new rule? Because, so far as disclosed during the late sessions of the House, the men who represented the democracy of the country had shown no purpose to interpose dilatory motions in order to prevent the passage of any other measure of legislation than the civil-rights bill. Upon that bill alone they had filibustered. Last session I voted twice against suspending the rules for the purpose of considering the bill, and a third time I voted against its consideration and passage. Why? Because in my State there is good feeling between the white man and the black man, though the black men are largely in the minority. I voted against this new rule because it would facilitate the passage of the civil-rights bill, and I am opposed to that bill because in my State a school system is in full operation open alike to the children of the white man and the children of the black man, and because I have reasonable ground to apprehend that the passage of this bill by Congress may cause the immediate suspension of its operation and possibly the permanent destruction of the system to the irretrievable injury of both races.

The answer comes, it is true, that this bill is open to amendment. Yes, but we who know some little of legislation know this, the Senate with its all-night session passed a bill which is now upon the Speaker's table. We may not in substance agree to it. But the two Houses may disagree as to what this law shall be and most probably will, and a committee of conference upon the disagreeing votes of the two Houses upon the bill may bring in a report the result of which would be that the Senate bill would become the law of the land. The majority of this House, yea nearly two-thirds, in June last solemnly voted that they would not only take up but they would pass the civil-rights bill as it came from the Senate. If they were for it in June last, why are they not for it now?

But it is asserted that opposition to the civil-rights bill means democracy. Sir, democracy means this: the government of the people, by the people, and for the people. Only when the democracy tried to deny that right, as is well known to every man on this side of the House, the democratic party failed to receive judgment in their favor at the hands of the people. The republican party came into power through the crucible of persecution. It came into power with its skirts free from everything like intolerance. Has it lived long enough to be intolerant? If so, then the day of its power has passed. If it has come to this, that a Representative standing here in his place cannot speak the faith that is in him, be he humble or great, then I say the days of its power are numbered, because if it cannot appeal to the fair judgment and the sound sense and the patriotism of the American people, then it cannot expect to receive any indorsement here or elsewhere, now or hereafter.

I have stood for my party with all the ability I have and with all the power I possess against just such intolerance as this on the hustings in my native State. Of very humble birth I do not deny; never a slaveholder, and with no prejudice of that kind, I have maintained the cause of the republican party, because that party having triumphed in the war for the Union, I believed that it was the party that could give peace to the country and secure a just reconstruction of the country. Am I disappointed in this? I believe not. When the passions of this hour shall have passed away, when the strife which this discussion has engendered shall have ceased, whether my vote be vindicated by time as being right or not, this much is to be accorded me: I attempted to do my duty as I understood it; I stood for the right as God gave me to see the right.

But I oppose this bill for another reason; I was before the people of my district in 1872 and again in 1874. In 1872 the civil-rights bill was not made an issue, and it was understood that the colored portion of my constituency did not desire it. In 1873 Judge Hughes, who was the republican candidate for governor, expressly declared on the hustings that he was not in favor of such legislation; and in 1874, after I had given on this floor three votes against that bill, I went before the people and I was defeated. Why? I received within fifty of the whole colored vote of the district, and I received also a large white vote; but I was defeated for this reason: that at the last moment the apprehension was started in the district, and circulated through the press, that under the whip and spur of party pressure and party necessity (the application of which we have witnessed here so recently) I might yield my honest convictions to the will of the majority. Thus I was defeated. I can say this: that if I went down, I went down in a fight that carried down the party all over the country. I know of no other democratic district in which so good a fight was made by a republican as in my own. When the military counted the votes in 1869, the district went democratic by a majority of 2,134. In 1872 it went for Grant, who is to-day stronger in Virginia than his party. It gave 373 majority for myself, and 700 for Grant, though Grant received fewer votes than I did, according to the official returns, because there were many who would not vote for Greeley, although opposed to Grant. And in 1874, though the district gave Kemper the year before 2,760 majority, I was defeated by less than 300 majority on a full vote, and after a very active canvass, in which I distinctly announced, in public and in private, in the hustings and everywhere, that I would not vote for this bill.

For these reasons, thus hurriedly expressed, I shall vote against



the civil-rights bill. There is another reason if I have time enough left me to state it. It is that this bill proceeds upon the assumption that the black man is not a man, politically considered, capable of taking care of himself, but needs guardianship in the form of legislation. It proceeds upon the assumption that with time and opportunity he cannot lift himself by his own good conduct above the influences of slavery and the prejudices of the past up to the elevated plane of equal citizenship. Why, sir, no class of our people, North or South, conducted themselves better during the war. They failed not in the hour of trouble, when they were called upon, with the bonds of slavery lifted from them, to defend the Union; nor did they fail, when those bonds were not lifted, to be true to their masters. They have been true in all seasons and under all circumstances; and the time will come when the prejudice of the past being obliterated, (for I grant it is a prejudice,) they will lift themselves into the enjoyment of equal citizenship and stand, as their representatives here on this floor certainly are, the peers of every man in the land in all the attributes of American citizenship.

Was it legislation that made Frederick Douglass so great that he could stand before the Queen? No; it was the power of his great intellect and the gentility of his personal appearance. The time will come when the prejudices of this hour will have died. But all the history of the past assures us that legislation has never been able to correct popular prejudice. My political associates here are attempting by legislation to do what never has been done in all past legislation in all countries and all ages, and in this effort they are crippling the great republican party in eight of the States of that great confederacy which for four years, whether right or wrong, defied the power of this great Government, and in which in less than ten years eight out of eleven of those States cast their electoral vote for that great conquering hero (Grant) who dealt so magnanimously with them. And in crippling it in the South it has been weakened if not paralyzed in the other section that stood by the Government during the days of the late war.

And in conclusion let me say that this civil-rights bill now under consideration is not demanded as I believe either by the white or colored people of the South, or by a due regard to the best interests of either race, and in their name and on their behalf, and especially on behalf of my own constituents, I protest against such legislation and shall vote conscientiously and honestly against it.

Mr. RAINEY. I would like to ask the gentleman just one question before he sits down. Did the talent and good conduct of Fred. Douglass enable him to sit at the same table on the Potomac boat with his fellow-members of the San Domingo commission?

Mr. SENER. The gentleman and myself are not going to have a personal controversy about that. No doubt that incident was the effect of prejudice; but legislation is not going to correct it. The time will come when the good conduct of Frederick Douglass and others of his race will overcome every prejudice.

Mr. E. R. HOAR. Mr. Speaker, I have but a single word to say. I had not intended to take part in this debate; but I am moved to make a single remark in consequence of an expression which fell from the gentleman from Georgia, [Mr. BLOUNT.] He spoke about "those people." That is the notion that lies at the bottom of all the speeches on that side of the House; it is the fundamental, the fatal error of their whole argument.

Mr. Speaker, I do not think it strange that when the men who lately owned them talk about certain American citizens they should talk about "those people," as if they were persons who at our pleasure or discretion are to have or not to have all the rights of citizens. The Declaration of Independence announced that all men were created equal. That announcement stood a great many years before it became a vital truth throughout this land. Mr. Lincoln used an expression which gave greater accuracy to the statement, when he said that every man has the right to be equal to every other man if he can. An eminent citizen of my own State has recently put the proposition in language still more accurate and explicit, which ought to be written in letters of gold above this Capitol—that "the essence of freedom is equality of opportunities."

Now, I have no belief that this bill, if enacted into a law, is going to produce any great effect immediately for good or for evil in the States whose Representatives most prominently oppose it. Laws under all republican institutions are enforced by juries, and by juries of the vicinage. I can remember the time (which no one in this House has better reason to remember than myself) when the colored sailors of Massachusetts were put into jail as soon as they arrived at southern ports; and no declaration of the unconstitutionality of that proceeding under the Constitution of the United States availed to save them from their doom. The force and the opinion of the people of the States where their rights were violated prevented their receiving justice and the constitutional protection to which they were entitled. There has been a fearful retribution for that wrong. But, Mr. Speaker, the value of this act is similar to that of the Declaration of Independence. It will stand as the declaration of the American people that henceforth before the law every citizen of the country is to have equality.

Social equality we have nothing to do with. I may think many men who are members of this House not agreeable to me to associate with, and they may have the same opinion in regard to myself. As members of this House we stand on an equality, and it is the same

feeling which induced one member (I have no doubt in a moment of passion) at the last session grievously to insult a member of this House on account of his color and race which enters into this whole question on the other side. When once it is understood that the people of the United States have finally determined that men and citizens are all entitled to equality of privileges under the law, in regard to any subject which the law regulates and determines, we shall have peace, and social equality and personal tastes will take care of themselves.

Mr. WHITE obtained the floor.

Mr. HALE, of New York. I ask the gentleman from Alabama [Mr. WHITE] to yield to me.

Mr. WHITE. I will yield fifteen minutes to the gentleman from New York, [Mr. HALE,] and afterward for ten minutes to his colleague, [Mr. ELLIS H. ROBERTS.]

Mr. HALE, of New York. Mr. Speaker, I propose to discuss very briefly a single question in connection with this bill, the question of its constitutionality, which was pressed yesterday with such vigor by the gentleman from Ohio, [Mr. FINCK.] I listened to his remarks with great interest, entertaining for him, as I always have, the highest respect personally and professionally. His proposition of yesterday I may state generally from recollection, for I regret to find his speech does not yet appear in the columns of the RECORD—his proposition was generally, as I understood it, that by the fourteenth amendment to the Constitution of the United States no additional power of legislation was conferred upon Congress; that the fifth section of that amendment was nugatory; that he gave it no effect whatever. I was somewhat surprised to hear that admission from the gentleman, for it struck me it must at once occur to the mind of every lawyer upon this floor, by one of the best settled rules of construction, which applies to every constitutional or statutory law, that when he conceded that point he gave away his case. We cannot construe any statutory or constitutional provision except by giving effect, if possible, to all its parts. We have no right to construe it by denying effect to any of them.

Mr. FINCK. May I interrupt the gentleman for one moment?

Mr. HALE, of New York. I wish the gentleman would excuse me if I do not misrepresent him; but if I do misrepresent him, of course I will yield.

Mr. FINCK. I think the gentleman has made a statement he did not intend to make.

Mr. HALE, of New York. If I misrepresent the gentleman, of course I will yield.

Mr. FINCK. I did not maintain that the fourteenth amendment conferred no power upon Congress, but I did assume and maintain that the fifth section of that amendment did not confer any additional power upon Congress.

Mr. HALE, of New York. Precisely; the gentleman said in the words I have quoted that he held it to be of no effect whatever.

Mr. FINCK. That is the fifth section.

Mr. HALE, of New York. That is what I stated.

Mr. FINCK. No additional power.

Mr. HALE, of New York. Mr. Speaker, it was my fortune to have served with the gentleman from Ohio in the Thirty-ninth Congress, where the fourteenth amendment was inaugurated, where it was passed, and by which it was sent out for ratification to the States. I well remember, if the gentleman from Ohio has forgotten it, as he probably may, that it was my fortune, standing alone in my party, to oppose the fourteenth amendment by my vote and by my voice, upon the ground, which seemed to me to be one I could not forsake, that it *did* change the constitutional powers of legislation of Congress, that it changed the theory of our Government, and introduced a range of legislation by Congress utterly lacking in the old Constitution or in any previous amendments to it except the thirteenth. I voted against the fourteenth amendment on that ground alone, fully conceding the propriety of the provisions of the article, except the last section, claiming that that section was to a certain extent a revolution of our form of government in giving Congress a control of matters which had hitherto been confined exclusively to State control. In the position I then took I certainly understood in the Thirty-ninth Congress that my friend from Ohio, whose opinion on legal and constitutional questions I value highly, fully concurred. I understood that the entire body of his political associates on the other side of the House in that Congress concurred with me.

Now, let us see, Mr. Speaker, if I am right in the proposition I make.

Nobody, as I understand, contends on this side of the House that the civil-rights bill can be sustained under the Constitution except by the provisions of the thirteenth, fourteenth, and fifteenth amendments, especially the fourteenth. Let us see whether that has changed the provisions of the Constitution as they originally stood. The only general ground of power in the former Constitution—and I call the attention of the House specially to this point—is to be found in the last clause of the eighth section of article I, that section conferring specified powers upon Congress; and the last of them in the general clause is this:

Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.



Mr. Speaker, the original Constitution contained limitations upon the power of Congress. It contained specifications of the rights of individuals. The first ten amendments constituted solely a bill of rights. Nowhere was there a provision in that Constitution or in those first ten amendments empowering Congress to legislate in regard to prohibitions, restrictions, or rights, but only to legislate in the carrying out of the powers granted.

Turn now for a moment to the fourteenth amendment, and see whether the Constitution under which we live to-day is equally meager in its provisions for legislation. The fourteenth article—I read only so much as is pertinent to my purpose—in its first section provides:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5 of the same article is as follows:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

In the powers granted by this article there is then an absolute, broad, unlimited power to enforce by appropriate legislation the provisions of the fourteenth amendment.

Now I come back to the question of judicial construction. The gentleman from Georgia, [Mr. BLOUNT,] who addressed the House this morning, read to the House an extract from an opinion of Mr. Justice Bradley, recently delivered. Gentlemen who listened to him and who were not familiar with the case might have supposed he was reading from the opinion of the Supreme Court in the Slaughter-house cases. Such was not the fact, and it was not so stated by the gentleman. What he read was from an opinion since delivered in another case by Mr. Justice Bradley, and was so stated by the gentleman from Georgia. The decision of the court in the Slaughter-house cases did not touch the question of the power of legislation under this article. But we have a decision of the Supreme Court delivered many years ago on the construction of the grant of legislative power in the old Constitution which covers the whole ground, a case with which my friend from Ohio [Mr. FINCK] and many other lawyers on this floor are familiar—the famous case of *McCulloch* against the State of Maryland, in the fourth volume of Wheaton's Reports. I have it here before me, but the time forbids me to read it. I have also Judge Story's citation of the same case, in which he most fully adopts, approves, and recognizes it as an authentic exposition of the Constitution.

The summary of the doctrine held in that case was that within the grant of power by the Constitution to Congress for purposes of legislation Congress are authorized to select in their own discretion all measures appropriate to the end in view; that the question of fitness or desirability is for Congress alone and not for the courts. I wish I had time to read extracts from that opinion at some length. I undertake to say that no lawyer on this floor will question that I stated, within perhaps narrower limits than the court stated in their opinion, the summary of the doctrine then held. Take the doctrine of the Supreme Court in this case and apply it to the provisions of the fourteenth amendment and the grant of power of legislation under it, and I ask any lawyer on this floor to tell me where he finds authority to say that under those provisions Congress is limited to legislation to correct the action of States, to provide a tribunal which may review such action, and to provide for some measure of criticism or correction of such action, and not for legislation in the first instance to remedy the great evil against which the amendment proposes to guard.

Again, sir, suppose it were true that Congress was to be limited to rectifying abuses by State legislation, does any gentleman upon that side of the House or upon this deny that to-day State after State of the South does live under laws which are inconsistent with the fourteenth amendment; that practices are there permitted which are in violation of the fourteenth amendment? And if that be so, then cannot Congress interfere by a general law to overrule State legislation?

I have thus briefly stated the points merely upon which I sustain and defend the constitutionality of the bill before the House. I do not propose to discuss its details. I do not propose even to indicate what my vote may be upon questions of detail of the bill. But in the present condition of the Constitution, with the grant made by the fourteenth amendment, I contend that it is not only within the power of this House, but that it is their duty to exercise appropriate legislation toward the end provided by that amendment just as much as if the language was "it shall be the duty of Congress to enforce by appropriate legislation" instead of saying "Congress may enforce."

Mr. LAMAR. Will a question interrupt the gentleman?

Mr. SOUTHARD. Will the gentleman allow me to ask him a question?

Mr. HALE, of New York. I will listen to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. LAMAR. I ask the gentleman if he will indicate what legislation of what State violates the provisions of the fourteenth amendment?

Mr. HALE, of New York. I am unable to indicate it at present; but I did not suppose any gentleman disputed it.

Mr. LAMAR. I do dispute it.

Mr. HALE, of New York. I supposed it was a matter of absolute notoriety. I never heard it questioned before, and I did not suppose

any gentleman would question it. I do not propose to put my finger on the particular statute.

Mr. LAMAR. I assure the gentleman from New York that if there exists in the entire range of all the statutes of all the States in the South one single act, one single provision of law inconsistent with any of the principles or provisions of any of the amendments to the Federal Constitution I am like himself ignorant of the existence of such provision.

Furthermore, I say, sir, to him that *throughout the length and breadth of the southern section there does not exist in law* one single trace of privilege or of discrimination against the black race. If there is, I know nothing of it.

Mr. HALE, of New York. Now, let me ask the gentleman whether under the laws of the State of Mississippi it is possible for a colored man to travel over the railroads or in any other public conveyances in that State with the same facilities and the same conveniences that a white man may travel?

Mr. LAMAR. I answer my friend from New York with all the emphasis that I can give, that they do travel precisely with the same facilities and with the same conveniences, and a great many more, as there are more of them, than the white people of Mississippi.

Mr. HALE, of New York. Then, Mr. Speaker, the State of Mississippi is indeed an exception to the general rule. I am through, Mr. Speaker.

Mr. MCKEE. Let me say that my colleague is correct. In Mississippi, under the laws and under the constitution—republican laws and republican constitution—the colored man has the same rights that a white man has. My colleague is legally correct, but practically my colleague is mistaken. I refer to the treatment of colored people on steamboats, in hotels, theaters, &c.

Mr. LAMAR. Practically my colleague is mistaken, and legally also. What I mean is that the democrats and conservatives of Mississippi voted for the adoption of the fifteenth amendment.

Mr. ELLIS H. ROBERTS. Mr. Speaker, is not the whole of this debate an anachronism? Is it not strange that we should be called upon to inquire whether American citizens have their rights in the several States of this Union? Is it not strange that it should be a matter of debate whether there should be actual legislation guaranteeing to a certain class of our citizens their common-law rights in the several States? Gentlemen may deny that laws exist in any State refusing these rights, as the gentleman from Mississippi [Mr. LAMAR] has just denied, but they cannot deny that in certain States of the Union there are no laws guaranteeing those rights to the several classes of our citizens. What do we behold? There are gentlemen sitting upon this floor who have given no offense to this body. And as the gentleman from Mississippi [Mr. LYNCH] testified the other day on his way to his seat in this body through two of the States of this Union he was compelled to submit to indignities. Not only was he compelled to submit to indignities, but females, the wives and mothers of members sitting on this floor, are also compelled to submit to indignities on their way hither. Mr. Speaker, is there any trouble to-day when colored men and colored women sit in these galleries and colored men sit upon the floor of this House and are eligible to the floor of the other House? Now, bear in mind, Mr. Speaker, that opposition to this bill is not put simply on the ground of the question of our constitutional power to legislate, although my colleague from New York [Mr. HALE] has well answered that point. But gentlemen on the other side of the House tell us, as the gentleman from Virginia [Mr. SENNER] told us this morning, that this sort of legislation is calculated to produce trouble in the South. Why? If these rights are already conceded, what trouble will it make to have Congress guarantee those rights? No, Mr. Speaker, the trouble is that these rights are denied, whatever may be the language of the statutes, practically, and colored men and women cannot travel in all the States as white men can travel in all the States. And besides, sir, why is it that we have seen, not for a day only but for a long week, a great party upon this floor preventing the American Congress from considering this question? If these rights are already conceded, what trouble would it make to discuss the subject? We could have considered the constitutional question without passion and without prejudice. But there are practical questions connected with this subject. These rights are denied, and because they are denied, insisting, as I do, upon the constitutional right to legislate upon the subject, I can do no less than insist that a national guarantee of these rights shall be secured to all men and women in all parts of the Republic.

But, Mr. Speaker, I rose principally to speak with reference to the school clause. I greatly fear that we may err on the one side or the other. Three propositions are before the House in reference to that subject, one insisting, as the Senate bill does, upon the same schools for both races at the South; another in most distinct antagonism to that is the proposition of the gentleman from Connecticut, [Mr. KELLOGG,] who proposes to exclude entirely from the bill all reference to schools. Then there is the report of the Committee on the Judiciary of the House bill providing that the schools shall be equal in their privileges for the two races. For one, sir, I am not willing to legislate that colored men shall have their rights in the theater and to refuse to legislate that they shall have their rights in the schools. If we have erred at all in the great work of reconstruction, it has been because we have not made enough of education. If we had in-

sisted upon making education a condition of the reconstruction of the States we would have been better off to-day.

Mr. KELLOGG. As the gentleman has alluded to me, allow me one word. I moved to strike out that provision because I thought it was worse than none at all for the interests of education.

Mr. ELLIS H. ROBERTS. I understood the gentleman to move to strike out all provisions relating to schools.

Mr. KELLOGG. I moved to strike out that provision in the House bill because it is worse than nothing for them and for us.

Mr. ELLIS H. ROBERTS. Then do I understand the gentleman to adopt the standard of the Senate bill?

Mr. KELLOGG. No; I am for the House bill with my amendment.

Mr. SMALL. I would ask the gentleman from New York [Mr. ELLIS H. ROBERTS] to point out what clause of the Senate bill requires mixed schools?

Mr. ELLIS H. ROBERTS. I understand the true construction of the Senate bill in reference to schools to require that the colored people shall have the same schools as the white people.

Mr. SMALL. There is nothing of the kind in the Senate bill; it only requires that they shall have equal privileges.

Mr. ELLIS H. ROBERTS. I understand the Senate bill to insist upon the same schools for the colored children as for the white children. For that reason I prefer the House bill, because I am not willing to run counter unnecessarily to the prejudices of a section. We are told that if we do insist upon mixed schools, then in certain States of the South schools will be abandoned altogether. I think if we insist there shall be equal privileges, then in certain localities they can have the same schools for blacks and whites if so desired. It is for that reason I prefer the House bill as reported by the committee, although I shall not antagonize the Senate bill if the House shall agree upon it.

It seems to me that we have again reached a critical point in the politics of this country. Step by step a great party has insisted that the Declaration of Independence instead of being a glittering generality shall be made a practical verity. This is another step in that march. Constant denials of rights have made this necessary. For another great party has step by step put itself against making that Declaration of Independence a practical verity. I have always believed that the original Constitution should be construed in the light of the Declaration of Independence. The amendments make them identical in spirit. I believe that the Constitution does recognize American citizenship, and does give to Congress the power to protect the American citizen. Therefore I insist that the time has come when Congress shall say that the law shall be no respecter of persons.

Mr. WHITE. I now yield five minutes to the gentleman from Missouri, [Mr. STANARD.]

Mr. STANARD. As may have been observed during the last session of this Congress, I voted against the consideration of the civil-rights bill. During the filibustering of the last week I voted with the majority for the amendment of the rules of the House, and did not vote with those who were voting against the amendment to the rules in order to defeat the consideration of the civil-rights bill. I voted for that amendment upon the principle that I believe the majority should have the right to consider any subject that they see fit, and that the rules should not be so that the minority can hinder the consideration of public business indefinitely. I would not vote for a rule for a republican House that I would not vote for for a House where the majority were democrats, believing that dilatory motions should be resorted to only to call attention of the House in a marked way to the consideration of subjects under debate and not to a final and indefinite block of business.

I voted yesterday against the reconsideration of the vote by which this bill was recommitted to the Committee on the Judiciary; and I expect when this bill shall come to a vote to-day to vote against it. I shall vote in this way because I do not believe that the passage of such a bill will be really in the interest of the colored or white people of the country. I believe the practical effect of this bill will be to work incalculable damage. I do not believe that a majority of the careful, thinking, colored people of the country are in favor of its passage.

Living in a former slave State as I do, I am satisfied that the majority of the colored people of that State are opposed to the provisions of this bill, from the simple fact that they are of the opinion that where there is a strong prejudice in the minds of the people against the colored race, that prejudice will be increased by its passage and barriers placed in their way of progress; that if they are in any way proscribed now, they will be more so after the adoption of such legislation as this.

The fact is, that in the State of Missouri we have public schools giving the same facilities for the education of colored children that they do for the education of white children. In the city of Saint Louis, which I have the honor in part to represent upon this floor, where we have a democratic administration, as we have in the State, there are ten public schools with about four thousand scholars and more than thirty teachers. The opportunities for their education are as good as are the opportunities for the education of my own children in the public schools. The colored people there have their own churches, they ride in the street cars, they travel upon our highways,

and there is nothing to hinder them. They are progressing in the scale of refinement and education, and our people are anxious, as the colored people are now and must be for all time part and parcel of the government, that they should be educated and elevated.

Mr. Speaker, I think this bill goes outside the realm of legislation and seeks to do what should be left to the logic of events and to natural laws.

If I believed that the passage of this bill would tend to the elevation of this people without damaging anybody else, I would be in favor of all its provisions; but believing that such is not the case, I cannot support it.

Mr. CRITTENDEN. I ask my colleague whether the same educational privileges that are extended to the colored people in the city of Saint Louis are not extended to them all over the State of Missouri?

Mr. STANARD. I believe I have already said that such is the case.

Mr. GUNCKEL. Can you say that of the whole South?

Mr. WHITE. I now yield five minutes to the gentleman from South Carolina, [Mr. CAIN.]

Mr. CAIN. Mr. Speaker, in the discussion of this question of the civil-rights bill, it has become a question of interest to the country how the colored people feel on this question of the schools. I believe, sir, that there is no part of this bill so important as the school clause. The education of the masses is to my mind of vital moment to the welfare, the peace, the safety, and the good government of the Republic. Every enlightened nation regards the development of the minds of the masses as of vital importance. How are you going to elevate this large mass of people? What is the means to be employed? Is it not the development of their minds, the molding and fashioning of their intellects, lifting them up from intellectual degradation by information, by instruction? I know of no other means so well adapted to the development of a nation as education.

Especially is this true in the Southern States of this Union, where the great cry against the colored people is their ignorance. Admit it, sir, and it is a lamentable fact that the past laws and customs and habits and interests of the Southern States have prevented the colored people from attaining that education which otherwise they would gladly have attained. It was a part and parcel of the system of slavery to prevent education; for the moment you remove ignorance and develop the minds of those who are enslaved the less likely they are to remain contentedly in servitude. For this reason it was the policy of the South to keep in ignorance that part of the community that they controlled for their benefit as their slaves. Now that there is a change throughout the land, now that these millions formerly enslaved are free, it is essential to the welfare of the nation that they should be educated.

But the question arises in the discussion of this bill, how and where are you to do this work? As a republican, and for the sake of the welfare of the republican party, I am willing, if we cannot rally our friends to those higher conceptions entertained by Mr. Sumner—if we cannot bring up the republican party to that high standard with regard to the rights of man as seen by those who laid the foundation of this Government—then I am willing to agree to a compromise. If the school clause is objectionable to our friends, and they think they cannot sustain it, then let it be struck out entirely. We want no invidious discrimination in the laws of this country. Either give us that provision in its entirety or else leave it out altogether, and thus settle the question.

I believe the time is coming when the good sense of the people of this country, democrats as well as republicans, will recognize the necessity of educating the masses. The more the people are educated the better citizens they make. If you would have peace, if you would have quiet, if you would have good will, educate the masses of the community. Objection is made to the ignorance of the colored people, and the State of South Carolina is cited as an illustration of that ignorance operating in legislation. Why, sir, if it be true that the legislators of South Carolina are to some extent ignorant, I answer that it is not their fault; the blame lies at somebody else's door.

Now, sir, let the democracy, instead of reproaching us with our ignorance, establish schools; let them guarantee to us school-houses in all the hamlets of the country; let them not burn them down, but build them up; let them not hang the teachers, but encourage and protect them; and then we shall have a great change in this country.

Sir, we must be educated. It is education that makes a people great. We are a part and parcel of this great nation, and are called upon to assume the responsibility of citizenship. We must have the appliances that make other people great. We must have school-houses and every appliance of education. If your objection is to guaranteeing to us in the civil-rights bill an equal enjoyment of school privileges, then I say surround us with all the other appliances; say nothing of the school-house if you choose, but enforce our rights under the law of the country, and we shall be enabled to exercise every other privilege in the community.

Mr. GUNCKEL. Let me ask the gentleman from South Carolina whether the colored people of the South want mixed schools.

Mr. CAIN. So far as my experience is concerned I do not believe they do. In South Carolina, where we control the whole school system, we have not a mixed school except the State college. In local-



ties where whites are in the majority, they have two white trustees and one colored.

Mr. COBB, of Kansas. I desire to ask the gentleman what in his opinion will be the effect of the passage of the Senate civil-rights bill so far as regards the public-school system of the South.

Mr. CAIN. I believe that if the Congress of the United States will pass it and make it obligatory upon all the people to obey it and compel them to obey it, there will be no trouble at all.

Mr. KELLOGG. Would the gentleman prefer to retain the provision in regard to schools which I have moved to strike out in the House bill, or would he rather have that provision struck out according to my amendment.

Mr. CAIN. I agree to accept it.

Mr. KELLOGG. I offered it in the interest of your people as well as ours.

Mr. HYNES. Let me ask the gentleman a question, whether from his knowledge of the white and black people of the South he does not believe in every State controlled by the democratic party they would not abolish the school system rather than permit mixed schools? In other words, Mr. Speaker—

Mr. COX. Let me answer.

Mr. HYNES. I did not understand my friend to my left was from South Carolina. I ask my friend from South Carolina whether he does not believe that the prejudice against mixed schools in the South is not stronger in the minds of the white people there than their love for the public-school system?

Mr. CAIN. I do not know; I cannot judge of the democracy.

Mr. WHITE. I have allowed the gentleman to run beyond the time given to him, and I must now take the floor.

Mr. KELLOGG. O, let him go on without interruption.

Mr. WHITE. It cannot be done, as I will have no time left to myself.

Mr. CAIN. One word in conclusion. I think I have answered all questions put to me. But I say this, if we pass this bill, make it satisfactory. I know we are in the minority in this country—I speak of course of the colored people. We are willing to accept anything which is deemed necessary to the welfare of the country. Spare us our liberties; give us peace; give us a chance to live; give us an honest chance in the race of life; place no obstruction in our way; oppress us not; give us an equal chance, and we ask no more of the American people.

Mr. WHITE. I yield now for five minutes to the gentleman from New York, [Mr. CHITTENDEN.]

Mr. CHITTENDEN. Mr. Speaker, I have been a member in full communion with the republican party since there was such a party in this country. I am about to give a vote which will offend many of my republican friends. I know perfectly well it is unnecessary for me to offend them so much the more by speaking, but I regard the bill now before the House, in its far-reaching results, as of immense importance both to the white man, the black man, and also to the republican party, with which I expect to live and die and sink—

Mr. COX. That is about to be the result.

Mr. CHITTENDEN. I do not want to go down with my party quite so deep as the bill will sink it if it becomes the law, and that is the reason why I speak.

I shall vote against the bill for two reasons, which I will briefly mention. I was born in Connecticut. I have for thirty-two years been a citizen of the State of New York, and I do not believe there is a single town in New England, or one in the State of New York, having railroads and telegraphs, whose white men would favor or vote for this bill if you were to reverse the ratio of population giving such towns in New England and in the State of New York the same proportion of black men that South Carolina and Louisiana now have.

I admit the justice, I admit the conformity of the bill which will probably pass to-day with the late constitutional amendments, so far as I understand them. But the bill is nevertheless an offense and menace to the dominant race. Say this is prejudice, or sentiment if you please. I am a practical man, and believe it impolitic unnecessarily to vex white men, North and South, by passing this bill now. It will moreover, in my judgment, breed mischief, prejudice, and cruelty to the weaker race in their struggle for a higher civilization. It will inevitably, unless human nature has changed, expose the black man to new persecution and will raise new barriers to the rapid elevation of his race. Let it not be supposed that the battle of the black man is finished. He cannot be lifted after a hundred years of oppression in one decade to be in all respects on the same level with the white race in this country. He ought not to expect it. Time and patience are most needed for him. I listened to the speech made yesterday by the gentleman from Mississippi [Mr. LYNCH] with profound sympathy. I wanted to contribute and would gladly contribute in any proper way toward the enforcement of the common law in Kentucky and Tennessee so as to give him all the convenience, all the opportunities, and all the accommodation he requires in passing from his home to this Capitol. Such individual cases are, however, comparatively few. The Federal Government can never care for them, especially so if the passage of this bill shall tend greatly to multiply them.

I believe there is mischief—there is certainly possible mischief—in

the first four lines of the bill as reported from the Judiciary Committee, in respect to white men of the North. We will not permit all white men to come into our hotels, theaters, and churches. It seems to me, Mr. Speaker, there may arise a multitude of cases conflicting with such provision. As I have said, I challenge any man here, if there be time, to show that the people of New England and New York would sanction this law if in connection with it you were to reverse the ratio of population, giving them the proportion of the weaker race now existing in the South. Not one State or large town of the North would agree to the passage of this bill under such circumstances. Why, then, pass it?

[Mr. WHITE addressed the House. His remarks will appear in the Appendix.]

Mr. ELDREDGE obtained the floor and said: I yield three minutes to the gentleman from Alabama, [Mr. CALDWELL.]

Mr. CALDWELL. Mr. Speaker, I am very much indebted to the courtesy of the gentleman from Wisconsin for two or three minutes, and I desire to say now that I only wish, as one of the Representatives of the State of Alabama, to enter my solemn protest against this bill in any of its forms or phases. From the position assumed and announced by my colleague from Alabama, [Mr. WHITE,] who has just taken his seat, I understand that the principle contended for by the author of the civil-rights bill is entirely abandoned, and that he assumes what he is pleased to term a middle ground between extremes, that being his hope of safety for the country.

Now, Mr. Speaker, there is only safety to the State of Alabama, and of Mississippi, and of every other State in this Union in this: that Congress shall confine itself to legislation which does no injury to any of their citizens. Under the legislation as contained in this bill, as has been argued and as has been demonstrated by the opponents of the bill, no additional rights would be guaranteed or secured to the colored man, nor would he receive under it any protection further than he has now by the laws as they exist.

[Here the hammer fell.]

Mr. ELDREDGE. I yield two minutes more to the gentleman from Alabama.

Mr. CALDWELL. My object, I repeat, Mr. Speaker, is to enter a protest against the passage of this bill, and I do it not only in the name of those people whom I represent, but in the name of the entire white race of the whole country. And in the event that Congress sees proper to pass this law in any of its phases, I commend to my democratic friends that consolation which was embodied in some remarks that were addressed by my colleague [Mr. WHITE] during the contest in 1868 upon the then proposed constitution of my State, which was submitted to the people; and I invoke your attention for one moment. As he said of that proposition then, I say to you now, applying it to the civil-rights bill in the event that it should be passed:

Its rule may be fastened on us for a little while, but it will not be long; and if we are patient, steadfast, and firm, true to our alliance, to principle, and the Constitution, true to the proud auspices of Caucasian blood, true to our untarnished honor, true to our wives and children, true to the record of the past, and true to ourselves; if we "touch not, handle not the unclean thing," deliverance full and complete will soon come.

That was the language of my colleague who has just addressed the House.

[Here the hammer fell.]

Mr. ELDREDGE. Mr. Speaker, I stand before the House at this time a specimen of the effects of the civil-rights bill. I can assure the House that if its effect on the administration of this Government is as disastrous—

The SPEAKER *pro tempore*, (Mr. GARFIELD in the chair.) The gentleman will suspend until the House comes to order. The confusion is so great that nothing he says can be heard.

Mr. ELDREDGE, (after a pause.) I remark in continuation of the sentence which I had commenced that if the effect of the administration of the civil-rights bill upon the country is as disastrous as resistance to its passage through the House has been to me and to my health, it would be a sufficient argument against its passage.

Mr. Speaker, in the remarks I have to make in opposition to the bill now before the House I intend little more than to enter my protest against further legislation upon the subject. I have heretofore and frequently discussed the principles involved in this bill, and in various forms of argument, as well as I was able, endeavored to present the constitutional objections, the impolicy, and the danger of this class of legislation. The convictions of the past have been confirmed and strengthened, and the dangers apprehended and pointed out more than realized in the experience of the results. Indeed, the legislation of Congress since the close of the war upon the negro question, and the effects of that legislation upon the Southern States and even upon the Union itself, stand a perpetual reproach to the party by whom it was enforced, and an ever-present remonstrance and protest against further enactments in the same direction.

It ought to be enough to "call a halt" that entire States, once proud and majestic commonwealths, are in ruins, lying prostrate before us, in the very struggle and article of death—the work of our legislation. Look at South Carolina; that once proud and prosperous State with her three hundred thousand property-holders, two hundred and ninety thousand of them white, including the intelligent, educated, refined men and women of the whole State, subjected by this kind of legislation to the control, dom-



ination, and *spoliation* of an uneducated, semi-barbarous African race just emancipated from the debasing and brutalizing bonds of slavery. Look at Mississippi, Arkansas, Alabama, and Louisiana, once the most genial and fairest portion of the Republic—grand, mighty States of the Union, marching rapidly and proudly forward in the outward and upward march of wealth and civilization, rent and torn by civil strife, ravaged, desolated, and destroyed by *actual war*—a war of races brought on and kept up by congressional legislation. This state of things is not the result of natural causes, but it is the result of the *unnatural relation* in which the two races have been placed to each other. It is the result of the conflict which may always be expected when it is attempted to subject men of culture, civilized men, men accustomed to freedom, to the domination and rule of brute force. The history of the world furnishes no instance of harmonious government brought about by the forced equality and commingling of such antagonistic forces, and certainly not by the subjugation of the intellectual to the physical. The white race, with its pride of blood, the memory of its achievements, the consciousness of its superiority and power, will never brook African equality or live under Africanized governments; and the sooner this truth is realized by American statesmen the sooner will the remedy for the evils that are upon us be devised.

Sir, this negro question is the mightiest problem of the age; none of half its magnitude, so far as the future of the Republic is concerned, confronts the statesman of this country to-day. It will not do longer to treat it as a mere partisan question or allow the passions evoked by the war to control legislation in regard to it. The excuses heretofore made for imposing African governments upon the southern white men will not do. Higher consideration must control. You cannot turn from this sickening reality and foul work of your hands with the flippant and senseless plea so often interposed, even if it were true, (which it is not,) that slavery embruted and unfitted the emancipated negro for the duties devolved upon him for the government of himself and those you have placed under him, and that it is only a just retribution upon his former master who had so long oppressed him.

This retort, which has been so successful in prejudicing the ignorant and thoughtless and so effectively used in persuading your partisan followers, will not avail at the bar of statesmanship. The very statement refutes itself. It matters not now who was or was not responsible for slavery, whom it injured, or how deep the degradation and wrong it wrought. The question for the statesman is and always was, in view of the facts, what are the demands of patriotism? So far as the freedmen were concerned in introducing them into the governing force of the country, as a part thereof, it was a question of their *fitness* for the duties imposed and no other consideration should have entered into its determination. No partisan consideration should have been allowed to divert the mind from the real question involved.

Are they according to the fundamental principles that underlie our system, in the broad light of our civilization, qualified according to the requirement and experience of enlightened statesmanship to govern themselves as a race, as a people? Nay more, is it safe and wise, considering only the true interest of the Republic, to intrust them not only with the government of themselves, but with the government of their former masters, their wives and children and all the vast and varied interests of state? None but the merest partisan and demagogue could *pretend* that by an act of legislation the negro race can be invested all at once with those high qualities of statesmanship, that self-control, that moderation of conduct, that consideration for individual rights, those sensibilities and refinements, that sense of reciprocal duties and obligations, and those exalted ideas of government which, whatever the white race now possesses, whatever it *now is*, have been the growth and accumulations of ages and have sprung from and are a part of our civilization.

In making these suggestions I would not disparage or discourage the negro race. I would not deprive them of any legal right. Nor would I throw any impediment in the way of their growth and development as men. They should have a fair field and an equal chance in the race of life—a full, free opportunity to overcome all natural or acquired prejudices against them, and to demonstrate if they can that they are capable of attaining to the high civilization of the white race. To put them in places of trust, of responsibility, and power without any qualification, without any preparation, is simply to do them the greatest possible injury and at the same time, whenever it is done, to endanger our system of republican government. This has been done already to the great detriment of both the black and white races.

No man or community of men, no race or people on the face of the earth, ever was thrust forward by any other people or race, so far as legislation can put them forward, so rapidly and so regardless of the welfare of both races as the white race has the negro of America. I do not believe there is a candid man, certainly no *statesman*, who will now deny that the investiture of the great mass of ignorant, stupid negroes with the power of government was a mistake. It would have been far better, in my judgment, for the black race, for its future as well as its present well-being, to have required some previous preparation, some educational qualification as a condition to the exercise of the right of suffrage. It would have been more in consonance with our system, the corner-stone of which we profess is the intelligence of the people, to have made intelligence the condition of the exercise of the exalted privilege and duty of governing in common

with the white race. This, I believe, would have stimulated the black man to greater efforts and given him a better appreciation of the privilege itself. It would have modified his conceit and been an inducement to acquaint himself with the duties he would take upon himself; it would have moderated his demands for place and power by a better comprehension of the great responsibility imposed, and it would have made him far less offensive and obnoxious to those whose conviction and prejudice were against the equality the law conferred. In any and every view that can be taken of the subject it would have been better both for the negro and the white man, for the whole country, to have had some period of probation and preparation, some learning and knowledge of the science of government as a prerequisite to its administration, and as some assurance of his fidelity to and capability for the performance of the duties required.

Sir, I will not deny it must be admitted on all hands, that the negro has not been justly and fairly dealt by. He has not been sincerely and candidly treated by those who have made the greatest professions of being his friends. His present nor his future welfare nor any of his greatest interests as a man and a citizen of the Republic in his relations with the white race have been much considered in the legislation claimed to be in his interest and for his advantage. He has been made the sport and convenience of the republican party ever since his emancipation; he has been a sort of shuttlecock cast about for the amusement or *advantage* of those who have made him believe they were his special guardians and friends. The right or privilege of suffrage, for which so much is demanded of him by those who still for their own purposes champion his cause and claim to be *par excellence* his friends, was not conferred because of love for him or his race or any real advantage it was believed it would be to him, but because it was supposed it would add to and strengthen their political party and prolong their power. Herein was committed the grand error, mistake, blunder, or crime, whichever it should be called, upon the negro question. Both he and the State and all the most vital interests of both have been sacrificed and made subservient to the supposed interests of a mere political party.

The black man has been literally forced into his present attitude in relation to the white race; forced, too, without knowledge or any comprehension of what is to be the result. He is little to be blamed for the condition in which he now is or the circumstances that surround him. He has been and is being "ground as between the upper and the nether millstone" by two antagonistic and opposing forces. He is no longer loved by either except for the use that can be made of him, and his welfare is at all times sacrificed to the paramount interest of party. The pretended affection of the republican party has been his delusion and snare. It deluded him into faith in its friendship and into its support, and thereby into sharp and hostile antagonism with those among whom he was reared and must live, and with whom every interest of happiness and prosperity demands he should be friends. It deluded him into the giving up of a *real* for a *pretended* friendship, and caused him to sacrifice the toleration and encouragement of those whose interests were in common with his own for those who had nothing in common with him and who could never care for him except in so far as he strengthened them in the control of political and partisan power. It induced him to separate from and antagonize his natural ally and friend in an unnatural and partisan alliance with men who had no higher motive than to use him for their own selfish purposes, regardless of the consequences to him or his race.

Mr. Speaker, it would be interesting and instructive, if we had time, to commence at the beginning of the history of the republican party upon the negro question and note its development and progress step by step down to the present time. I think we should be able to see and comprehend the motive by which it has been actuated and controlled. We should see how at one time or another it has disavowed with indignant denial most or all of the measures it has afterward advocated and enforced. We should see that party exigencies and party considerations alone have controlled it in the most of what it has done. We would then see how little the welfare and advantage of the colored race had entered into the consideration or controlled its action in relation thereto.

In 1868 in its national platform upon which President Grant was first elected it denied the right of the Federal Government to control the suffrage of the loyal States, and declared as a fundamental principle that the control of it belonged exclusively to the people of the several States. Before the President was inaugurated, in January, 1869, a distinguished member of this House from the State of Massachusetts, afterward Secretary of the Treasury, and now a Senator of the United States in the Senate, reported by the direction of a majority of the Judiciary Committee of the House in favor of the enforcement of universal suffrage by the Federal Government. He enforced his views by a lengthy and impassioned speech, urging the conferring of suffrage upon the colored man almost upon party grounds alone. He assured the House and the country that it was "the last of the series of great measures" with which the "republican party was charged" for the pacification of the country and for the establishment of the institutions of the country upon the broadest possible basis of "republican equality both State and national." And his main argument was based upon the fact that this measure would add one hundred and fifty thousand votes to the republican party—enumerating the number from the several States, and appealing to his party to know if they were going to decline the services of one hundred



and fifty thousand men "who are ready to battle for us at the ballot-box in favor of human rights."

This is the sordid, selfish appeal that has been made upon this negro question from the beginning. Not *his interest*, not the *interest of the Republic*, not the great interest of *patriotism and humanity*, but the interest of the republican party.

One hundred and fifty thousand men stand ready to do battle for us, for our party, for the republican party; and can we decline the tempting offer? They may be ignorant of the first principles of government—unable to read, write, or even to speak and understand any intelligible language—unqualified in every respect according to the requirements of our system; they may endanger the Republic, jeopardize our most cherished institutions, drag down and degrade the white race, injure and destroy the colored race by bringing the two races into fatal collision; but it will add *one hundred and fifty thousand votes to our party*. These are the considerations, the controlling considerations of the past upon this subject, and such are the motives for further agitation for civil and social rights and social equality of the races. In these motives and in this spirit your civil-rights bills and all like measures have their origin and growth. They are the pandering of party to the ignorance, conceits, unreasoning ambitions, untrained and selfish instincts of the least advanced and spoiled portion of the negro race. The better class, the most thoughtful, those who are really capable of understanding some thing of the situation and condition of affairs, are beginning to see through these schemes and machinations of their pretended friends. They see the folly and danger of these measures—of pressing the demands of the lowest portion of the race for place and position without preparation without qualification, and against the prejudice which is more because of this ignorance and unfitness than any other repugnance which may be felt. They comprehend the situation so far, at least, as to understand that the demand for further recognition and "the protection of their civil rights" comes from those the least competent to understand or appreciate what has been done for them or the rights they now may enjoy. They understand that the clamor for civil rights comes from the most ignorant and dissolute, the dishonest, scheming politician of their own race, instigated by the unprincipled "carpet-bagger," "scalawag," and "pot-house" politician, who would make merchandise of all the rights of the colored race and of their bodies and souls, if thereby they could keep themselves in control of place and power. The most intelligent and worthy of the black race are grateful and contented that so much has been done for them, and that with so many favorable surroundings their destiny is in their own hands. They have sense enough to comprehend, in some degree at least, the solemnity and greatness of the work of self-government under even the most favorable circumstances, and, knowing that immunities and privileges imply obligations and duties, would not force themselves forward without preparation. The colored race in this country have opportunities such as no other race or people in the history of the world ever had.

The chains of slavery wherewith they were bound are broken and removed, and the whole people placed at once, by the race that held them in bondage, upon terms of perfect, *absolute equality with themselves*. They are not only in the enjoyment of all that *freedom* itself can give, but the lights of the highest civilization are shining upon them, and the examples of refinement, education, patriotism, and progress—the development of centuries—are before and around them, to guide and exalt their aspirations. If there be anything of them; if they have in them the elements of growth, civilization, and greatness; if in the economy of the Almighty they are or *are to be* capable of self-government and the comprehension and appreciation of the great principles of civil liberty and republican government—nothing on earth is now in their way. They start from vantage-ground—with everything to stimulate, inspire, and guide them.

The law has done all it can accomplish for them. So far as the law is concerned, the black man is in all respects the equal of the white. He stands and may make the race of life upon terms of perfect equality with the most favored citizen. There is no right, privilege, or immunity secured to *any* citizen of the Republic that is not confirmed to the colored. There is no court, no tribunal, no judicial jurisdiction, no remedy, no means of any sort in the land, provided by law for the redress of wrongs or the protection of the rights of life, liberty, or property of the white man that is not equally open and available to the black man. The broad panoply of the Constitution and the whole body of laws, civil and criminal, and every means provided for their enforcement, cover and extend to every American citizen, without regard to color or previous condition. The white man may with no more legal impunity trench upon or invade the dominion of the black man's rights than the black man may the white man's. The barriers of laws surrounding and protecting them are the same. There is no distinction, no exception, no immunity in favor of the white race. And let it never be forgotten that voluntarily, in the pride and majesty of its power, the white race has thus far *done it all*. With sublime indifference and disregard of all natural and conventional differences, if not with *sublime wisdom and discretion*, the LIBERATOR, the white race, decreed and proclaimed to the world that his *former slave, the negro race*, whatever he may have been or may become, is henceforth and forever shall be under the law of the Republic a co-citizen and an equal. He may compete for any

office; he may contest any citizen; he may aspire to any position; he is eligible to the most exalted place in the Republic.

And, sir, what would gentlemen, what would the greatest patriot, the greatest philanthropist, have more? What would the intelligent negro, the man best capable of comprehending the wants, the necessities, the highest good of his own race, ask for more? The common-law rights of both are the same. Both are equal in its protection. White and black may alike invoke its interposition for the protection of rights and the redress of wrongs. If equality, exact and impartial equality, of legal rights and legal remedies is desired, it is now enjoyed alike by both. If you would not place one race above the other; if you would make no distinction "on account of race or color or previous condition;" if you would have the recent amendments to the Constitution impartially administered; if you would have the laws of the land throughout its length and breadth, in their application to the citizen, take no note of the color of his skin or the race from which he sprang, let the "common law" remain unchanged; let there not be one law for the white man and another for the black man. No change, no distinction in favor of the one or the other can fail to injure both.

To make the colored citizen feel that he is the pet, the especial favorite of the law, will only feed and pander to that conceit and self-consequence which is now his weakest and perhaps most offensive characteristic. If he be made to feel that extraordinary provisions of law are enacted in his favor because of his weakness or feebleness as a man, the very fact weakens and enfeebles him. The consciousness that there is necessity for such legislation and protection for him must necessarily humiliate and degrade him. Such laws, too, are a constant reminder to him that he is inferior to the white race. They not only remind him of his inferiority and the superiority of the white race in its not requiring these special enactments, but they naturally and necessarily awaken in him a feeling of bitterness and unfriendliness toward the white race. It is impossible that the negro race should live upon terms of mutual confidence and friendship with a race from whom it requires to be protected by a special code—against whose wrongs and oppressions he is not safe except those wrongs are denounced by extraordinary laws and penalties. There can be no peace, no harmony, no confidence, no mutual respect, no feeling of equality between two races living together and protected from the infringement of each other's rights by different laws and different penalties. It is useless to deprecate or deplore the natural or acquired prejudice of the races so long as the laws enacted for their government in their very nature necessarily awaken, keep alive, and foster them. And whether the prejudice be the plant of the Almighty or the growth of slavery, it cannot be removed by legislative enactments. It may be, as in my judgment it most certainly will be, increased and aggravated by such legislation as this, but it cannot be lessened. If the southern man believes, correctly or erroneously, that the negro race is an inferior race, this kind of legislation is certainly not calculated to remove that belief. This bill and all such bills go upon the ground that the colored race is inferior, feeble, and less capable of taking care of itself than the weakest and most inferior white man. *This is the very predicate of this legislation*. And whether he claims the natural equality of the races or not, it is an insult to every colored man in the Republic. It is an unnecessary exaggeration and parading of the distinction between them.

Sir, I have intimated already, and it has been illustrated and demonstrated in and by the effects of previous similar legislation, that the greatest danger now to be apprehended lies in the bringing of the two races into fatal antagonism of rights and interests. If there be natural prejudice, if there be antipathy, if there be antagonisms between the races, almost the entire legislation of Congress on the negro question has been and is calculated to increase and intensify them all. I have referred to some of the effects upon the colored race; but the effects upon the white race and its disposition toward the colored cannot be less deleterious. Born and reared with the idea that they were masters and the colored men slaves, it was not the work of a moment, or a small thing, to reconcile themselves to the changed condition. And yet, under all the circumstances, they may appeal with confidence to this House, the country, or the world that they have conducted themselves with commendable patience and forbearance. Have we not all been disappointed and surprised at their magnanimity and submission? Have they not commended themselves to our warmest sympathy and approbation? Have they not borne themselves under the greatest trials and the severest ordeals to which poor human nature can be subjected with a greatness and grandeur almost sublime?

Without malice, without resentment, without reproach, they have acquiesced in the emancipation of their slaves and their elevation to free and equal citizenship with themselves.

If there have been some factions, dissatisfied, and turbulent spirits, it was to have been expected. But the hostile collisions, strifes, and conflicts, I believe on my soul, are more to be attributed to the political and unwise legislation of Congress than to all other causes combined. But because they have thus far with almost broken spirits submitted, we must not forget there is a point beyond which Congress must not go. We must not from the past presume too much. We must not for political or partisan considerations seek to degrade

or dishonor them. The white people of the Southern States are a proud, honorable, intelligent people. They are the depositaries of the civilization of many centuries. The negro race, possessed of all the natural capabilities the most enthusiastic African admirer can claim for it, even with the example of the white race constantly before it, must grow and develop rapidly for many, many years before it will attain to the same civilization.

Let us beware, then, how we create the means for irritation and strife between the whites and the blacks of the South. It can be no doubtful or uncertain struggle. Let party exigencies and party necessities be whatever they may seem, it is worse than madness, it is a crime without a name, to bring the two races by our legislation into collision. The white men of the South cannot be brought to submit to the domination of the black man. The attempt will bring ruin and destruction upon the black man or it will end in the extinction of both black and white. The black man has been a slave, the white man never. The black man has with submission and patience worn the yoke of bondage and threw it not off himself; the white man never did and never will submit to be ruled by any race but his own. He may and probably will for a time submit to the sword of the Federal power, but I pray gentlemen not to presume upon that too far. His ancestors long ago taught the Anglo-Saxon the idea of opposition to "intolerable burdens." And no Anglo-Saxon can bear dishonorable burdens, or burdens imposed upon him by other hands than his own, without seeking the first opportunity to throw them off. The pride of blood and race will never brook the rule of inferior men. The gentleman from Massachusetts [Mr. BUTLER] well said "social equality could not be brought about by legislation." Neither can you by legislation make the white man submit to the rule and domination of the black. I beg gentlemen, as I did in speaking upon this subject in 1868, to "hesitate long before they attempt to bring it about." It will, it must end in the overthrow and destruction of the weaker race.

Mr. BROWN. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. ELDRIDGE] for his courtesy in allowing me ten minutes of his time. It is not my purpose on this occasion to discuss the legal aspects of this bill. I have done that heretofore in a carefully prepared speech, delivered during the last session of Congress. I had hoped that this measure would fail; but it is now manifest to all of us that it is a foregone conclusion that to-day's sun may set upon it as a law of the land. Men upon the opposite side have been dragooned into its support, and its success has been in a measure accomplished by a daring and revolutionary innovation on the time-honored rules of this House. It is the culminating, crowning iniquity of radicalism. It is born of malignity; it will be passed in defiance and in violation of the Constitution; and executed I fear in violence and bloodshed.

Mr. HALE, of New York. I rise to a question of order.

Mr. BROWN. I hope I will not be interrupted.

Mr. HALE, of New York. I understood the gentleman from Kentucky to declare of the bill now pending before the House that it was born of malignity. I raise the point of order that the language is not parliamentary.

Mr. BROWN. I think the point is puerile. The gentleman was silent yesterday when stronger language on his side of the House was used on this floor.

Mr. HALE, of New York. I ask that the words to which I have referred, and those in that connection, be taken down and read at the Clerk's desk.

The reporter wrote from his notes, and the Clerk read the following:

It is born of malignity; it will be passed in defiance and in violation of the Constitution; and executed I fear in violence and bloodshed.

Mr. HALE, of New York. I raise the point of order that that language is unparliamentary as applied to a measure now pending before the House.

Mr. ELDRIDGE. I think you had better expel us all, for we are all of that opinion.

The SPEAKER. The Chair does not think that language transcends the limit of parliamentary debate.

Mr. SPEER. That is an honest decision.

Mr. BROWN. I regard it as a part of the machinery which is to be set in motion in this country for the campaign of 1876. I believe now that a deliberate conspiracy has been formed for the overthrow of our constitutional liberties. The people of the country do not favor these radical schemes; they have repudiated their originators. You men who propose to pass them have been weighed in the balance and found wanting. Judgment has been passed upon your political record, and nearly two-thirds of that side of the House retired to private life.

The SPEAKER. The gentleman will address the Chair.

Mr. BROWN. And your conduct now in this and other matters, Mr. Speaker, reminds me of a passage in Junius where he describes a bad tenant, having received notice to quit, breaking the furniture, putting the premises in disorder, and doing all he could to vex the landlord. Gentlemen and Mr. Speaker, the South is broken; it lies in its helplessness and despair before you; homes dilapidated, fields wasted, bankruptcy upon it. Is there nothing in its situation to touch your pity? And if your magnanimity cannot be reached, will you not be moved by some sense of justice?

In 1872, by a conspiracy between the Attorney-General, Governor

Kellogg, and a drunken Federal judge, the sovereignty of a State was overthrown. That usurpation has been perpetuated since by bayonets. And but recently one of your generals entered the legislative halls of Louisiana, like Cromwell when he invaded the English House of Commons with his Colonel Pride, and, keeping touch and time to what had gone before in the sad history of that State, ruthlessly expelled its duly qualified members.

Onward and onward you go in defiance of the sentiment of the country, without pity and without justice, remorselessly determined, it seems, to devote these distressed southern people to complete destruction, to give their "roofs to the flames, their flesh to the eagles." Your Lieutenant-General but steps upon the scene when he sends his dispatch to the world that they are banditti. We have heard it echoed elsewhere that they were thieves, murderers, night-riders. The clergy of that State, Jew and Gentile, have denied it. The business men and the northern residents there have denied it. A committee of your own House, a majority of whom were republicans, have given it their solemn and emphatic contradiction and nailed the slander to the counter. But still it is echoed and re-echoed. Now again that accusation has come from one—I speak not of men, but of language, and within the rules of this House—that accusation against that people has come from one who is outlawed in his own home from respectable society; whose name is synonymous with falsehood; who is the champion, and has been on all occasions, of fraud; who is the apologist of thieves; who is such a prodigy of vice and meannesses that to describe him would sicken imagination and exhaust invective.

In Scotland years ago there was a man whose trade was murder, and he earned his livelihood by selling the bodies of his victims for gold. He linked his name to the crime, and to-day it is known throughout the world as "Burking."

The SPEAKER. Does the Chair understand the gentleman to be referring in this manner to a member of the House?

Mr. BROWN. No, sir; I am describing an individual who is in my mind's eye.

The SPEAKER. The Chair understood the gentleman to refer to a member of the House.

Mr. BROWN. No, sir; I call no names.

This man's name was linked to his crime, and to-day throughout the world it is known as "Burking." If I wished to describe all that was pusillanimous in war, inhuman in peace, forbidden in morals, and infamous in politics, I should call it "Butlerism."

The SPEAKER. The Chair thinks the gentleman from Kentucky did not reply in good faith to the question put to him. The Chair regards the whole discourse of the gentleman from Kentucky as referring—

Mr. BROWN. The Chair had no right to anticipate what I was about to say.

Mr. HALE, of New York. I insist that the words of the gentleman from Kentucky be taken down.

The SPEAKER. The gentleman from New York asks that the words be taken down. That will be done.

Mr. HALE, of New York. In taking down the words, it will be necessary to go back as far as where the gentleman began to describe a hypothetical individual.

The SPEAKER. The Chair will direct that all the personal remarks be taken down.

Mr. NEGLEY. And I hope the gentleman may be expelled.

The SPEAKER. The Chair desires to state that he was not listening with special attention to the remarks of the gentleman from Kentucky; but his ear was arrested by some language of a peculiar character. He asked some one near him to whom the gentleman was referring. The answer given to the Chair was that the gentleman was referring to a member of the House. The Chair then addressed an inquiry to the gentleman from Kentucky as to whether that was so. He answered either with a denial or evasively—the Chair could not tell which; and the Chair put the inquiry to him a second time. It would have been the highest recusance on the part of the Chair to have permitted such language to be used in reference to a member; and the Chair, in exculpation of himself, rests his neglect of duty upon the evasive reply of the gentleman from Kentucky; because otherwise such language in reference to any member could not possibly have been permitted by the Chair.

Mr. DAWES. I hope the words taken down will embrace the interrogatory of the Chair and the answer.

The SPEAKER. All that will be included.

The Chair lays before the House a report from the Committee on Enrolled Bills.

Mr. DAWES. Will the intervention of other business interfere with this point of order?

The SPEAKER. Nothing intervened between the utterance of the words and the demand that they be taken down; therefore the point holds good. But while the words are being taken down the Chair announces a report from the Committee on Enrolled Bills.

#### ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same; An act (H. R. No. 336) granting a pension to Hugh Wallace;



An act (H. R. No. 393) granting a pension to Rosanna Quinn;  
 An act (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky;  
 An act (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips;  
 An act (H. R. No. 1722) granting a pension to Martha Wold;  
 An act (H. R. No. 1820) granting a pension to Samuel Henderson;  
 An act (H. R. No. 1947) granting a pension to George Holmes;  
 An act (H. R. No. 1953) granting a pension to William D. Morrison, late captain of Company D, Seventh Regiment Maryland Volunteer Infantry;  
 An act (H. R. No. 2218) granting a pension to Sarah Summerville;  
 An act (H. R. No. 2254) granting a pension to the minor heirs of John H. Evans;  
 An act (H. R. No. 2352) granting a pension to Lewis Hinely;  
 An act (H. R. No. 2372) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips;  
 An act (H. R. No. 2673) to restore the name of Hannah B. Eaton, of Kingsville, Ohio, to the pension-roll;  
 An act (H. R. No. 2674) granting a pension to John W. Wright, now at the national military asylum near Dayton, Ohio;  
 An act (H. R. No. 2901) granting a pension to John Hendrie;  
 An act (H. R. No. 2949) granting a pension to James R. Borland;  
 An act (H. R. No. 3008) granting a pension to John J. Bottgar;  
 An act (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868;  
 An act (H. R. No. 3275) granting a pension to Eli Persons;  
 An act (H. R. No. 3277) granting a pension to Robert D. Jones;  
 An act (H. R. No. 3278) granting a pension to Margaret Beeler;  
 An act (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona;  
 An act (H. R. No. 3681) granting a pension to William M. Drake;  
 An act (H. R. No. 3682) granting a pension to Theron W. Hanks, a private in the Third Minnesota Battery;  
 An act (H. R. No. 3691) granting a pension to James Barris;  
 An act (H. R. No. 3697) granting a pension to Belinda Craig;  
 An act (H. R. No. 3702) granting a pension to Alice Roper;  
 An act (H. R. No. 3707) granting a pension to Louisa Thomas;  
 An act (H. R. No. 3722) granting a pension to John Fink;  
 An act (H. R. No. 3723) granting a pension to Mary Logsdon;  
 An act (H. R. No. 3728) granting a pension to Abby A. Dike;  
 An act (H. R. No. 4162) granting the right of way and depot-grounds to the Oregon Central Pacific Railway Company through the public lands of the United States, from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon;  
 An act (H. R. No. 4443) in regard to the visit of His Majesty the King of the Hawaiian Islands; and  
 An act (H. R. No. 4531) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874.

## CIVIL-RIGHTS BILL.

The SPEAKER. The words which were ordered to be taken down will now be read.

The Clerk read as follows:

Now again that accusation has come from one—I speak not of men but of language, and within the rules of this House—that accusation against that people has come from one who is outlawed in his own home from respectable society; whose name is synonymous with falsehood; who is the champion, and has been on all occasions, of fraud; who is the apologist of thieves; who is such a prodigy of vice and meanness that to describe him would sicken imagination and exhaust intellect.

In Scotland years ago there was a man whose trade was murder, and who earned his livelihood by selling the bodies of his victims for gold. He linked his name to his crime, and to-day throughout the world it is known as "Burling."

The SPEAKER. Does the Chair understand the gentleman to be referring in this language to a member of the House?

Mr. BROWN. No, sir; I am describing an individual who is in my mind's eye. The SPEAKER. The Chair understood the gentleman to refer to a member of the House.

Mr. BROWN. No, sir; I call no names. This man's name was linked to his crime, and to-day throughout the world it is known as "Burling." If I wished to describe all that was pusillanimous in war, inhuman in peace, forbidden in morals, and infamous in politics, I should call it "Butlerism."

Mr. HALE, of New York. Mr. Speaker, I offer the following resolutions:

*Resolved*, That the member from Kentucky, Mr. JOHN YOUNG BROWN, in the language used by him upon the floor and taken down at the Clerk's desk, as well as in the prevarication to the Speaker, by which he was enabled to complete the utterance of the language, has been guilty of the violation of the privileges of this House and merits the severe censure of the House for the same.

*Resolved*, That said JOHN YOUNG BROWN be now brought to the bar of the House in the custody of the Sergeant-at-Arms, and be there publicly censured by the Speaker in the name of the House.

Mr. HALE, of New York, rose.

Mr. DAWES. Will the gentleman yield to me to have the substitute read?

Mr. HALE, of New York. I yield for that purpose only.

Mr. DAWES. I offer the following as a substitute for that of the gentleman from New York.

Mr. HALE, of New York. I yield only to have it read.

Mr. SPEER. Is this proceeding in order except by unanimous consent at this stage of the proceedings?

The SPEAKER. What?

Mr. SPEER. The resolution of the gentleman from New York.

The SPEAKER. What point of order does the gentleman make?

Mr. SPEER. The civil-rights bill is before the House. Is this in order?

Mr. COX. This is a most uncivil proceeding.

The SPEAKER. There is no point in that.

Mr. HALE, of New York. I will hear the resolution read.

Mr. SPEER. I desire to have the statement of the Chair.

The SPEAKER. The Chair overrules the point of order.

Mr. SPEER. How does the gentleman get the floor to move the resolution?

The SPEAKER. It is a proceeding of the highest privilege. If there is anything in the language of the gentleman from Kentucky [Mr. BROWN] which transgresses the order of the House, the rules provide that the words shall be taken down and that the House shall act upon them, no matter what business may be pending. The rules provide that nothing else shall intervene until the question is settled.

Mr. SPEER. The statement of the Chair of what the rules provide is satisfactory; I did not understand it before.

Mr. DAWES. I now ask that the resolution be read.

The Clerk read as follows:

*Resolved*, That JOHN YOUNG BROWN, a member of this House from the State of Kentucky, be expelled from the House for gross violation of the rules—

[Here the reading was interrupted by loud applause in the galleries and upon the floor of the House.]

The SPEAKER. That is very improper in the galleries and very much more so on the floor.

Mr. CRITTENDEN. It is in keeping with this whole proceeding.

The SPEAKER. The Clerk will proceed with the reading of the resolution.

The Clerk proceeded as follows:

for gross violation of the rules and privileges of the House in the use upon the floor of the language just read by the Clerk, and for falsely stating to the Speaker of the House that he did not refer to any member of the House.

Mr. LAMAR. I think that resolution—

Mr. HALE, of New York. I decline to yield for that resolution at the present time. I do not think it is necessary to debate the question, and do not yield for any words of debate.

Mr. BECK. Let the resolution of the gentleman from New York be again read.

Mr. HALE, of New York. The House understands the question.

Mr. DAWES. I think the gentleman from New York will see there is a propriety in proceeding deliberately and giving the member from Kentucky, if he desires it, an opportunity to be heard, and not to pass the resolution under the previous question. If it becomes us to take notice of this proceeding, it becomes us to take notice of it with deliberation. The previous question cuts off all expression of views. I trust, therefore, the House on both sides, whatever may be their opinion of the propriety of one resolution or the other, will not pass any proposition here, under the circumstances, under the previous question.

Mr. COX. I appeal to my friend from New York not to hurry this thing. He himself called a member a dirty dog last year and was not censured for it.

Mr. HALE, of New York. It is not true—the statement is not true, and my colleague has no right to insult me by saying it.

Mr. COX. I did not insult you.

Mr. HALE, of New York. He does insult me and states a thing not true.

Mr. COX. I will withdraw it and be more decorous than my colleague.

The SPEAKER. The gentleman from New York is entitled to the floor and demands the previous question, as the Chair understands, upon his resolution.

Mr. HALE, of New York. I did not believe it was possible this House should desire debate on this question. The transaction has taken place in the presence of the whole House. Every person knows it fully, and I do not believe the House desires debate, but if they do of course the previous question may be voted down. I now demand the previous question.

Mr. COX. I hope it will be voted down.

The SPEAKER. It requires two-thirds to demand the previous question, it being the first day it is pending.

Mr. HALE, of New York. Does not that rule of two-thirds apply to a bill?

The SPEAKER. The Chair stands corrected; it is upon the engrossment and third reading of a bill, and a majority can demand the previous question on this resolution.

Mr. ELDRIDGE. How far will the previous question be operative?

The SPEAKER. It will bring the House to an immediate vote without a moment's debate on the resolution.

Mr. DAWES. Will not this exclude my resolution?

The SPEAKER. If seconded it will.

Mr. SENER. Will the gentleman from Kentucky have any opportunity for explanation?

The SPEAKER. Not if the previous question is seconded.

Mr. HALE, of New York, demanded tellers.

Tellers were ordered; and Mr. HALE, of New York, and Mr. COX were appointed.

The House divided; and the tellers reported ayes 2, noes not counted. So the House refused to second the demand for the previous question. The SPEAKER. The House has refused to second the demand for the previous question and the gentleman from Massachusetts [Mr. DAWES] offers a substitute for the resolution of the gentleman from New York, [Mr. HALE.] The substitute of the gentleman from Massachusetts will be again read.

The Clerk read as follows:

*Resolved*, That JOHN YOUNG BROWN, a member of this House from the State of Kentucky, be expelled from the House for gross violation of the rules and privileges of the House in the use upon the floor of the language just read by the Clerk, and for falsely stating to the Speaker of the House that he did not refer to any member of the House; which language is as follows.

[Here follow the words read by the Clerk.]

Mr. DAWES. I do not desire myself to occupy the attention of the House but for a single moment. I regret very much that it seems to have fallen to my lot to offer this resolution. Nothing can be more painful to me than the necessity that seems to be pressing upon me to do this. I have served before with the gentleman from Kentucky, and my relations with him under circumstances of a very trying personal character have always been kind. He was elected to Congress before he was of the constitutional age, and I made his acquaintance while he was waiting his arrival at a constitutional majority before he took his seat. It was my painful duty as chairman of a committee in this House on another occasion to offer a resolution the effect of which was to exclude him from a seat in this House. It gave me great pleasure, at a subsequent period, myself to introduce a bill here, which commanded the unanimous vote of the House of Representatives, to qualify him for a seat in this House by removing his political disabilities.

When the gentleman from Kentucky came back here I welcomed him as a young man of great promise and possibilities. And I have rejoiced at every manifestation on his part of the fulfillment of that promise, and have been shocked to-day and pained, and nothing but a belief that it is imperatively demanded of this House to vindicate itself and its rules and settle here and now whether members of this House are to be frowned down in the exercise and discharge of their duty under the rules by the indulgence in such language as we have heard to-day—nothing but that belief and a sense of duty would have induced me to offer this resolution.

I cannot vote for the resolution of the gentleman from New York, [Mr. HALE,] because I do not see in it anything which by the gentleman from Kentucky will be deemed any punishment. I know that there is a frame of mind and a disposition which is just now being inaugurated in this House which remind me of the olden time.

I have been here, sir, when the freedom of debate was vindicated only by forming a hollow square in front of the Speaker's desk while men uttered their sentiments here in the House; when the galleries were filled with armed men, whose threats to silence debate on this floor were audible in any part of this Hall. I had hoped, sir, that that day had passed and passed forever. I had hoped that the condition of things which made such a proceeding possible was never to return again. At least I hoped that never while I occupied a seat in this House should I be called upon to sit in my seat and hear men who were discharging their duties in accordance with their honest convictions upon this floor denounced in the language that I have heard to-day. I think the House should here and now decide whether they will permit this thing to be inaugurated in this House at least. I hope that, whatever may be tolerated hereafter, this House will not at least be responsible for it. Let this House while it has an existence, and while the reputation of it rests upon a majority here, vindicate itself in the interest of decency and freedom of debate and decorum in this Hall.

But, sir, the effect of the resolution of the gentleman from New York [Mr. HALE] would be to send the member from Kentucky out with what he would deem a decoration, rather than any such rebuke as becomes this House to mete out unto one who will so violate the privileges of the House deliberately, as I am sorry to believe the member from Kentucky has done, with measured words—words which, when the House recalls not only what was said by him to-day but the unfinished sentences which he was interrupted in saying yesterday, and which seem to bear so remarkable similitude to the language used here to-day, carry the conviction to sober minds that this language has been slept upon at least twenty-four hours. They therefore admit of no such excuse or palliation as that they were used in the heat and excitement of debate. They were prepared, studied, measured, and then when the attention of the member from Kentucky was called to his transgression of the rules, his answer to the Speaker shows full well that not only was this prepared, but that the member from Kentucky was also prepared with such an answer to any call to order which might come up as would give him an opportunity to successfully violate the rules before he could be put down. Therefore, sir, it is that I ask this House to substitute a substantial vindication of the rights of this House for the resolution which has been offered by the gentleman from New York, [Mr. HALE.]

Mr. WOOD and Mr. COX rose.

Mr. DAWES. Holding the floor, I am willing to yield time to any gentleman who desires to speak.

Mr. COX. I desire to address the Chair.

Mr. DAWES. I yield to the gentleman from New York, [Mr. COX.]

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 650) for the relief of John Brennan;  
A bill (H. R. No. 1579) for the relief of Joseph J. Petri;  
A bill (H. R. No. 1660) for the relief of John B. Tyler;  
A bill (H. R. No. 2344) granting relief to Francis Dodge;  
A bill (H. R. No. 3179) granting relief to John L. Williams, of New York;  
A bill (H. R. No. 3180) for the relief of N. H. Dunphe, of Massachusetts; and  
A bill (H. R. No. 4545) to provide for the relief of persons suffering from the ravages of grasshoppers.

The message further announced that the Senate had passed bills of the following titles; in which he was directed to ask the concurrence of the House:

A bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased;  
A bill (S. No. 295) for the relief of the trustees of the Methodist Episcopal church at New Creek, West Virginia;  
A bill (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas;  
A bill (S. No. 819) for the relief of George W. Dawson;  
A bill (S. No. 821) for the relief of Peasley & McClary, of Nashua, New Hampshire;  
A bill (S. No. 839) for the relief of Angeline Logan;  
A bill (S. No. 951) for the relief of John Montgomery and Thomas E. Williams;  
A bill (S. No. 1065) for the relief of J. W. Drew, late an additional paymaster in the United States Army; and  
A bill (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana.

#### CIVIL-RIGHTS BILL.

Mr. COX. Mr. Speaker, I would not pour anything but water upon these flames. I would not pour oil upon the flames, and I think my friend from Massachusetts, [Mr. DAWES,] who is about removing to a higher station, might well follow such an example. Sir, I came to Congress in 1856 with the honorable gentleman from Massachusetts; we have served together during all these various vicissitudes of our political lives. I have been witness to the same scenes which he describes, though I beg to say that he describes them with great exaggeration of fancy, not of falsehood, for I might be expelled if I said anything of that kind. But I think there is some constitutional doubt about the right to expel members for intemperate language. This House is a sort of reservoir of the intemperance of the country: I simply refer to its intemperate language. The gentleman from Massachusetts must have known that never in the history of this country has there been such good temper manifested as was manifested during the forty-six hours of continuous session which we have had during our filibustering on this bill.

Now, sir, I am not responsible for these proceedings connected with this bill in any sense. I am not responsible for the intemperance of language of the gentleman from Massachusetts [Mr. BUTLER] yesterday, or that of the gentleman from Kentucky [Mr. BROWN] to-day. But if the gentleman from Massachusetts [Mr. DAWES] wished to preserve the decorum of the House, he would at least—to say nothing of the intemperance of language that was used by the gentleman from Indiana and the gentleman from New York—he would have interfered yesterday. I believe, with all respect to gentlemen on both sides, that the provocation to the language used by the gentleman from Kentucky [Mr. BROWN] came from what was said by the gentleman from Massachusetts [Mr. BUTLER] yesterday, and here are his words:

The bill is necessary because there is an illogical, unjust, ungentlemanly, and foolish prejudice upon this matter. There is not a white man at the South that would not associate with a negro—all that is required in this bill—if that negro were his servant. \* \* \* But the moment that you elevate this black man to citizenship from a slave, then immediately he becomes offensive. That is why I say that this prejudice is foolish, unjust, illogical, and ungentlemanly.

And so on through the chapter, until he brings it to a very climax where he forced upon our side of the House a companionship with that which was suggested by his modes of expression, and the whole of our side was included in his last philippic. Therefore the provocation really came from the distinguished colleague of the gentleman from Massachusetts, and it was answered perhaps with too much bitterness. But it did not call for censure then, and it does not call for expulsion now. If it does, then why did we not begin last session? Why did we not begin with the honorable gentleman from New York, my colleague, [Mr. HALE,] who opened this movement? I will ask the Clerk to read that which I have marked, to show that my statement a while ago was correct. If my friend from Kentucky [Mr. BROWN] was wrong, and my friend from Massachusetts [Mr. BUTLER] was intemperate yesterday—I mean in language only—we are all more or less responsible; and the best thing we can do is to drop this business altogether, and to go on with the bill you are so anxious about, and then go on with the appropriation bills, and after that as soon as possible go home and give way to the popular party.



Mr. HALE, of New York. I ask my colleague [Mr. Cox] if he sends to the Clerk's desk to have read anything relating to me? So far as I am concerned I will not object, but I shall take occasion to respond to my colleague if I can obtain the attention of the House.

The Clerk read as follows:

I have seen, Mr. Speaker, a cur emerging from a paddie, with his hair dragging with filth, force his way among decent people, and thrust himself upon them, or shake his filth upon them. I have known that experiment tried, and have known decent people to be smirched; but I have never discovered that the cur who did it remained anything else but a dirty dog. And I believe that will always inevitably be the case.

Mr. COX. Have you any censure on that? No.

Mr. HALE, of New York. Was there any occasion for censure upon that?

Mr. COX. Everybody understood to whom it was applied.

Mr. HALE, of New York. If it was unparliamentary, why did not my colleague call me to order?

Mr. ELDREDGE. Read what was said in reply.

The Clerk read as follows:

Mr. WILSON, of Indiana. Mr. Speaker, we have just had a very admirable exhibition of the dirty dog.

Mr. COX. I think we had better stop this thing now.

Mr. HALE, of New York. Upon introducing the resolution which I submitted, it seemed to me that for a transaction which has taken place in the presence of the House, which every member had witnessed, and of which every member has full and ample opportunity to judge, there could be no necessity for debate. It seemed to me that in the eyes of all right-minded men there could be no question that the language which has been used by the member from Kentucky was unparliamentary language of the grossest character, and that as such it merited the expression of this House which should characterize and stigmatize it as it deserved. It was with that view that I called the previous question on my resolutions. I regret that but a single member of this House was found to entertain the same view which I entertained and to vote with me for the previous question.

But the House having decided otherwise, and the resolutions being open for debate and amendment, I have only to say that I do believe the resolutions which I introduced are the precise resolutions adapted to the exigency of the case and which the House ought to adopt. I should regret to see the resolution proposed by the gentleman from Massachusetts [Mr. DAWES] adopted as a substitute for mine for two reasons. One is that I do not believe this to be a case where the House ought to exercise the extreme measure of expulsion. The other is that I feel entirely uncertain that two-thirds of the House can be found to vote for it. With that statement I have nothing further to say upon the question between the two propositions.

But I beg to say that I regard the manner in which my colleague [Mr. Cox] has called my name, in connection with a former transaction, into this case as most ungracious and unhandsome. I cannot but regret that he should have seen fit to drag up an old matter and to drag me before this House for the purpose of implied censure and out of all parliamentary rules. I think that the strictest and severest criticism which the House can pass upon my language will fail to find one word in it from beginning to end which is unparliamentary or liable to a call to order.

Mr. COX. I never proposed to censure my colleague.

Mr. HALE, of New York. It was brought in by way of censure and nothing else.

Mr. ELDREDGE. I desire to know of the gentleman from New York, [Mr. HALE,] in the language which he then used, and the description which he gave of that "purp," to whom he referred?

Mr. HALE, of New York. I do not propose to respond to any such interrogatory.

Mr. ELDREDGE. Now is not the gentleman "prevaricating" a little?

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] is entitled to the floor.

Mr. McKEE. I wish to make a parliamentary inquiry. Are we discussing the conduct of the gentleman from Indiana two years ago or the conduct of the gentleman from Kentucky ten minutes ago?

Several MEMBERS. Both.

Mr. DAWES. I wish to inquire of the gentleman from Kentucky [Mr. BROWN] whether he desires to be heard on this proposition.

Mr. LAMAR. Will the gentleman from Massachusetts yield to me for a moment?

Mr. DAWES. I will after the gentleman from Kentucky has responded to my inquiry.

Mr. LAMAR. I would like to make a few remarks before he speaks.

Mr. DAWES. I have engaged to yield to one or two gentlemen, but I feel it my duty to put to the gentleman from Kentucky the inquiry I now repeat, whether he desires to be heard.

Mr. BECK. My colleague [Mr. BROWN] desires to be heard; but he and his colleagues from Kentucky desire that the gentleman from Mississippi [Mr. LAMAR] shall be heard first for a few moments.

Mr. DAWES. Certainly. I will consult in that regard the wishes of the gentlemen from Kentucky; but I cannot yield to the gentleman from Mississippi at this moment. I have engaged to yield to the gentleman from Maine, [Mr. HALE,] after whose remarks I will yield to the gentleman from Mississippi.

Mr. HALE, of Maine. Mr. Speaker, for one I was not greatly surprised at the language that I heard read from the Clerk's desk as having been uttered by the gentleman from Kentucky. I expect hereafter, in the next Congress, to hear more of such language, and not only applied to the gentleman from Massachusetts [Mr. BUTLER] who was in this instance assailed, but I fear it will be applied to every great and honored name that the war has brought down to us. The gentleman from Massachusetts was assailed here because in the war he represented the strong hand and not the weak hand; and with this belief I do not need to say that in my breast there is no disposition to excuse or extenuate the language that fell from the lips of the member from Kentucky.

But that is not alone the question that the House of Representatives is to settle here. Because a member has forgotten the dignity of the House, because he has forgotten his decorum as a member, and has in an intemperate moment exceeded all his rights and cast a reproach that he had no right to cast upon a member of this House, and has thereby violated its privileges, it is not for us in a moment of passion—it is not for us, even if every man believes that in the mutations of politics we are likely to hear more of this, to act intemperately ourselves.

Neither, sir, are we to regard what the member from Kentucky shall think of the action of this House. The gentleman from Massachusetts [Mr. DAWES] has said that the member from Kentucky would consider a censure nothing but a "decoration." We have nothing to do with that. I believe that the proper and fit act in this case, preserving our self-control, is to bring him swiftly before the bar of the House and censure him. Does any man say that that is a light thing—that in the presence of the American House of Commons, the great popular body in this country, the swift, stern-dealing censure of the House administered through the Speaker upon a member is a light thing. It makes no difference to us what the member to be censured may think. As to what he thinks, it would apply equally to expulsion. As to what his constituents may think, it would apply equally to expulsion. It has been known here and in other popular bodies that where expulsion has been ever so much deserved, the member's constituents have sent him back again. Does anybody doubt here that if we expel the member from Kentucky he will be sent back by a Kentucky constituency? Any one who so believes has more faith in the moderation of that constituency than I have.

A MEMBER. He has already been sent back.

Mr. HALE, of Maine. We may thus shift the sympathy to this man who may be put under our ban, who may be censured here. But how any man can believe that the solemn censure of the House is a light thing passes my comprehension.

One thing more. The gentleman from New York, [Mr. Cox,] who is always on his highest point in review of the triumphs of his party this last fall, counting triumphs and discounting them in the future, again rehearses the old cry that this House should do nothing but go to the appropriation bills or other business and should pass this thing by. For one, sir, that, with my consent, shall never be done. There has not been, since I have been here, such an occasion for swift, prompt, decisive action as now. I hope the matter will not be allowed to pass from the minds of members for even a few moments until the judgment of the House is inflicted—such a judgment, let me remind members, as we can inflict. Let us not, on any radical proceeding, allow this thing to go on until its "currents turn awry, and lose the name of action." We can censure; I believe we cannot expel.

Mr. HALE, of New York. If the gentleman from Massachusetts [Mr. DAWES] will allow me a single moment, I desire to have read a passage from the debate of yesterday, which I think will be seen to have an immediate bearing upon the question now before us. I desire this passage read before the gentleman from Kentucky [Mr. BROWN] shall make his remarks, in order that he may answer whether he did not yesterday commence the same sentence which he has uttered to-day.

Mr. DAWES. As the gentleman from New York [Mr. HALE] suggests, there will be found in the debate of yesterday the language of to-day commenced—an unfinished sentence.

The Clerk read as follows:

Mr. BROWN. I desire to say one word.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Kentucky, [Mr. BROWN?]

Mr. BROWN. Many years ago in England—

Mr. BUTLER, of Massachusetts. I yield to the gentleman from Mississippi, [Mr. LYNCH.]

Mr. HALE, of New York. The House has reason to believe that the language just read by the Clerk was intended to be followed by the identical words the gentleman from Kentucky has used to-day.

Mr. CROSSLAND. Read the language immediately preceding.

The SPEAKER. Does the gentleman from Kentucky refer to the preceding paragraph?

Mr. CROSSLAND. Certainly.

The Clerk read as follows:

Mr. BUTLER, of Massachusetts. I think now as the remark which I did not hear has gone into the RECORD I should be permitted to state, if the gentleman said I was a murderer because I hanged a man at New Orleans, that so far from taking offense I glory in it, and the trouble has been that I did not hang more than I did.

Mr. DAWES. I yield now to the gentleman from Mississippi for five minutes.

Mr. LAMAR. Mr. Speaker, I am afraid that the majority of this House, in the heat of passion, are about to do an arbitrary and oppressive act, which they will regret when that passion subsides and reason resumes its just and lawful supremacy.

I wish to speak with perfect frankness on this subject. I think that the gentleman from Kentucky, [Mr. BROWN,] under a feeling of indignation very natural under the circumstances, did commit a violation of the rules of this House in the language he used. But, sir, how frequently upon the floor of this House have such personalities been indulged without reprimand and without punishment? The distinguished gentleman from New York, [Mr. HALE,] for whom I have a high respect as a gentleman of accomplishments and learning, upon one occasion early in the last session struck me as allowing himself, under an irritation I could very well appreciate, to hurl an epithet which certainly was not consistent with the courtesies of parliamentary debate; and the retort came back upon him from two or three quarters not less bitter and stinging. Why, sir, the entire history of the debates in this body has been marked by the most pungent personalities, sometimes by no means classical and not unfrequently more coarse than epigrammatic.

There must necessarily be occasional ebullitions of temper and asperities where there is such freedom of speech; always to be repressed, I admit, by the application of the rules of the House.

Now, sir, merely for purpose of illustration and with no purpose of bringing up any unpleasant memories of any kind, let me recall to your mind, Mr. Speaker, the various instances in which personalities most violent and intemperate have occurred upon this floor without reprimand. Who does not remember the occasion on which the gentleman from Massachusetts [Mr. BUTLER] upon this very floor charged a distinguished gentleman from Ohio, Mr. Bingham, a man eminent for his talents and his eloquence, (who now represents, I believe, this Government abroad in high diplomatic position,) with having been concerned in the trial and execution of a helpless woman, calling it a judicial murder upon insufficient evidence. I cannot give the exact language, as I speak from memory, but I think I do not exaggerate the intensity of reproach with which the gentleman from Massachusetts [Mr. BUTLER] characterized the action of his fellow-member in connection with that unhappy tragedy, and I am quite confident that I have not forgotten Mr. Bingham's retort.

A MEMBER. They did not censure his abuse yesterday.

Mr. LAMAR. I prefer not to refer to the occurrences of yesterday. Let us take cases about which there is no dispute. Who does not remember the retort of Mr. Bingham? It was riveted into my recollection, though I have not seen it since it was first published. He spoke of such language as being unworthy of the dignity of this House, and that "*they could only emanate from a man who lived in a bottle and was fed with a spoon.*" I am simply repeating, not with a view of bringing up unpleasant recollections or giving the words quoted any sanction of my own, but to show that the debates of this House have been characterized by the most contumelious invectives without eliciting any censure or objection.

Mr. DAWES. Does not the gentleman from Mississippi think it is time to stop it? I agree with him.

Mr. LAMAR. I think it is, but I think you might more judiciously and justly time your interposition.

Mr. E. R. HOAR rose.

Mr. LAMAR. Does the gentleman wish to ask me a question?

Mr. E. R. HOAR. I thought you had closed.

Mr. LAMAR. I presume I had better close. I am simply appealing to your calmer reason in this matter, and for this purpose was about to call attention to one or two instances more of a like kind.

Who does not recollect the personal controversy between Mr. Washburne, who now represents with dignity and usefulness our Government at the court of France—who does not remember the debate between him and a gentleman by the name of Donnelly? Why, sir, so hot did the war of words rage between them that the vituperative rhetoric on both sides seemed to grow drunk in the fury of its denunciations. This is the first instance where, men using against each other the weapons of sarcasm and invective, the House comes in and by main strength seeks to put down one of the antagonists who proves himself the hardest hitter. If members will not pass this matter over, if they are determined to bring the power of the majority to bear upon my distinguished friend, I can tell the gentleman from Maine his expectations will be frustrated. There will be no violent scenes to feed morbid appetites for excitement and agitation.

For, sir, if this House determines to put this reprimand upon him, if it chooses to call the Sergeant-at-Arms and make that Sergeant put his hand upon the person of the gentleman from Kentucky and conduct him before your bar, there to receive your rebuke in the language of that resolution, language far more insulting than a blow would be—if you choose to do this, I say beforehand, from my knowledge of that gentleman's devotion to the great interest of which he is an honored representative, that he will quietly and with unshaken dignity submit to your authority and resume his seat upon the floor; but I think that if gentlemen will only consider this matter they will see that they are bringing to bear extraneous power where it has been usual to leave the result to the capacities of the two combatants.

Now, sir, one word if I may be permitted as to this charge of prevarication in the resolution. I think, Mr. Speaker, you were premature in your censure of the gentleman. I believe you did not intend

to be unjust, but I think whatever may be said of the course which the gentleman pursued—and I do not say that it was in accord with the rules of the House—it was not prevarication.

The SPEAKER. The Chair did not use that word.

Mr. LAMAR. I stand corrected.

Mr. COX. It is in the resolution that that word is used.

The SPEAKER. The Chair characterized the gentleman's conduct as "evasive."

Mr. LAMAR. I am glad the Chair has corrected me, and make the *amende* with pleasure. Still the Chair stated that the answer was not in good faith; that it was evasive. Now, I do not think it will bear even that construction. The gentleman had just finished a sentence with the word "Burking," when the Chair interposed and asked if the gentleman meant to refer to a member upon this floor. The gentleman from Kentucky replied, "No, sir; I call no names." Now, sir, it is very natural for the gentleman from Kentucky to have supposed that the Chair had from a misunderstanding of the name called made the inquiry as to whether he was alluding to a member of the House, and he replied, "No, sir; I called no name." He had evidently intended to refrain from making a personal allusion and to confine himself to a mental characterization so as to avoid being called to order and stopped by the Chair. Such a mode of dealing in severities is not unusual. The Chair repeated the question, and then Mr. BROWN answered, "No, sir; I am having a member in my mind's eye."

The SPEAKER. Not "a member."

Mr. LAMAR. No; I did not mean to say, "a member;" but he said "I am describing an individual whom I have in my mind's eye." Well, sir, he had not, at that time, in point of fact referred to any member. No matter what his objective point was, it is exactly the fact that he had not at that instant violated any rule. Had he stopped at that sentence no member could have been said to have been alluded to. Whatever his intention to do *thereafter*, he certainly had not *as yet* made any personal reference. The Speaker's inquiry was a proper one, but the answer it elicited could not I think be construed into a pledge that precluded any personal reference in a subsequent portion of his remarks.

I do not believe that the gentleman from Kentucky is capable of disingenuousness.

Mr. E. R. HOAR rose.

Mr. DAWES. I wish to inquire of the gentleman from Kentucky if he desires to be heard now.

Mr. GARFIELD. Let the question be put through the Chair.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] inquires whether the gentleman from Kentucky desires to speak now.

Mr. BROWN. I desire to say but a word. I shall attempt no detailed explanation. This is the first time in my life that I have been charged with evasion or prevarication. I have always tried to speak in plain terms susceptible of no misunderstanding. I am willing to stand by the record as negating triumphantly, thoroughly, and indisputably the idea of any purpose on my part to evade the giving of a truthful answer to the interrogations of the Speaker or to make any false impression upon his mind. When interrupted by the Speaker, I was referring to a historical character of Scotland.

Mr. DAWES. I would inquire of the gentleman from Kentucky if he has any remarks to make upon the character of the language he used.

Mr. BROWN. I stand by the record.

Mr. LAMAR. Will the gentleman from Massachusetts [Mr. E. R. HOAR] allow me to read one passage before he proceeds?

Mr. E. R. HOAR. If it is equally agreeable to the gentleman, I would prefer that he should read it after I get through.

Mr. LAMAR. Very well.

Mr. E. R. HOAR. I am not aware, Mr. Speaker, of any feeling of heat or excitement upon this matter. My relations to my colleague from Massachusetts [Mr. BUTLER] have not been such that I think any one would suppose I should rush forward to be his champion on any occasion; and in a contest of words I have always found that he is able to take care of himself pretty well and to give anybody as good as they send.

It is not, let me say, Mr. Speaker, to the gentleman from Mississippi, [Mr. LAMAR,] because there have been some rough unparliamentary words applied in the heat of debate to a member of this House by another member that these proceedings are now had. As the gentleman from Mississippi has amply shown, and as we have often had occasion to deplore, such occurrences are not infrequent in the House. I agree with my friend, the chairman of the Committee on Ways and Means, that it is time they should stop. I could wish they never had begun, and that the rule of absolute courtesy in speech governed all the deliberations of this House. If nothing more had occurred than that a member had used unparliamentary and offensive language toward another member, I have no doubt that on being called to order, as he ought to have been by some member or the Chair, on his acknowledgment that it passed the proper courtesies of debate, the House would at once have treated it as they have treated other similar occurrences.

But the graver question here is whether a member, having deliberately prepared such an attack, intending when he commenced to complete what he said by an attack on a member, which was a gross violation of the rules and orders of the House, when he had already drawn a part of his analogy, meaning the member to whom he was



finally to apply it by name and attracting the attention of the Speaker to it, being called upon to say if he was referring to a member—not of course in the words “in Scotland” and “Burke,” (the Chair had no such folly as to ask him whether Burke was a member of the House,) but whether in that passage of his speech he was describing a person to whom he was about to apply that comparison; that was the meaning of the question of the Chair—whether for the purpose of getting through and finishing his attack he made a false answer to the Speaker.

That is the exact question which the resolution presents for our decision, and it is a very serious one. It is a grave matter in a company of gentlemen and men of honor whether a man who is capable of that, if it shall be shown that he has done it, is fit to be longer their associate.

Mr. Speaker, my relations from my earliest youth have been of political and personal friendship with the State of Kentucky. I have always honored the character of her public men. Whether a censure from this House or from a majority of this House for some violence in debate might be considered in that Commonwealth as any great indignity to one of her Representatives, I do not feel sure. But I know the Kentucky character for honor, for manliness, for truthfulness to be such that that Commonwealth would spurn a man from its borders who for the sake of getting successfully through a personal attack on a fellow-member would falsify as to his purpose when called upon by the Chair to state it.

Mr. DAWES. I now yield five minutes to the gentleman from New York, [Mr. WOOD.]

Mr. LAMAR. Will the gentleman give me two minutes?

Mr. WOOD. Certainly.

Mr. LAMAR. The gentleman from New York allows me one or two minutes. Here, sir, is a debate or a colloquy that was carried on between the gentleman from Massachusetts [Mr. BUTLER] and the Speaker of this House, and I just wish to show—

Mr. DAWES. I shall be obliged to call the gentleman from Mississippi to order. I do not think that is pertinent to this issue. Whatever errors we may have committed heretofore do not justify our present errors.

Mr. LAMAR. I do not hear the gentleman. Do you object to my reading from this colloquy?

Mr. DAWES. I do object.

Mr. LAMAR. Then I have only one reply to make to the distinguished gentleman from Massachusetts, [Mr. E. R. ROAR,] and I make it with great regret. [A pause.] Upon consideration I will not make it. I will just say, sir, however, that he has used with reference to the gentleman now on trial here language which I think, sir, requires neither courage nor courtesy in order to enable a man to do it.

Mr. E. R. HOAR. Does the gentleman refer to me or to my colleague, [Mr. DAWES? ] Which gentleman from Massachusetts does he refer to?

Mr. LAMAR. To you. I do not mean to impugn either the gentleman's courage or his courtesy; but I say that the remark which he made does not exhibit either, and in my opinion does not comport with the high character that he has heretofore maintained.

Mr. E. R. HOAR. What remark does the gentleman refer to?

Mr. LAMAR. The charge of falsification.

Mr. E. R. HOAR. I said the question before the House was whether the gentleman from Kentucky had thus falsified. I have made no statement in regard to any party here.

Mr. LAMAR. Then I withdraw my remark.

Mr. E. R. HOAR. When the House has heard the gentleman and his friends on the subject, they can make up their minds and vote on the question.

Mr. LAMAR. I withdraw the remark I made, and beg your pardon.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] has ten minutes remaining.

Mr. DAWES. I yielded five minutes to the gentleman from New York, but he has been giving away his time.

The SPEAKER. He has yielded about three minutes.

Mr. DAWES. Then he is entitled to two minutes longer.

Mr. WOOD. Mr. Speaker, I regret exceedingly the occurrences here to-day. I regret that the gentleman from Kentucky in a moment probably entirely unpremeditated [Many MEMBERS. O! O!] should have said anything that any member of this House should construe as indecorous. I regret, however, much more that my colleague [Mr. HALE, of New York,] has deemed it proper to give importance to the remarks of that gentleman by moving a resolution of censure, and I regret still more that the gentleman from Massachusetts [Mr. DAWES] should deem it of sufficient importance to move a resolution of expulsion. The gentleman from Massachusetts to my right [Mr. E. R. HOAR] introduced his remarks upon this question by referring to the fact that the gentleman from Mississippi [Mr. LAMAR] was probably not considering the great gravity of this occasion. He then went on to make it an occasion of great gravity. He claimed that the order of the House had been disturbed. Sir, I will remind that gentleman that there is a graver question than that now pending, and it is an attempt to disfranchise and to deprive of their right to representation upon this floor one of the constituencies of this country; that question is of paramount importance to any other that can be brought to the attention of the House and it is now pending,

and it is whether the people of any congressional district of the United States shall be deprived of its right to be rightfully and legally represented by a vote on all action taken on this floor. And, sir, for what is this proposed to be done? For an intemperate expression in a heated moment of excited debate. Sir, we have been during last week in a period of unusual excitement. We have sat here day and night and night and day and men's moral and physical equilibrium has been disturbed, and this exciting debate, the result of that long, tedious, and protracted session, has wrung from men, especially from men from one section of the country, an unusual exhibition, and in my judgment proper and legitimate exhibition of feeling, which I respect and regard as their right and just right to exercise in all becoming language on the floor of this House. [“Order!” “Order!”] Why, sir, I have seen no order in this House for this whole Congress. Our every-day session is marked by disorder. Every rule requiring the order of this House to be preserved is violated continuously upon all occasions when any gentleman of prominence rises to speak upon any important question. Sir, we have no order here.

When I first had the honor to be a member of Congress we had order, we had quiet, we had deliberation, we had discussion; but now we have none at all. It is continual excitement, continual disorder, and continual disturbance; that is God's truth. And because the gentleman from Kentucky, [Mr. BROWN,] feeling deeply the wrong which in his judgment this bill will inflict upon his people, sees fit to use language such as probably yourself, Mr. Speaker, and I myself would not have used, it is proposed to expel him from this House. Now I submit whether it is within our power, in the exercise of the power of expulsion given by the Constitution of the United States, for disorderly conduct, to expel a member for any mere expression of opinion when discussing legitimately and properly any question before the House.

[Here the hammer fell.]

Mr. DAWES. I now yield for three minutes to the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. I do not know that I can say what I desire to say in three minutes; I expected the gentleman would yield me five minutes.

The scene of to-day must carry the minds of all the members of Congress who have been for the last ten or twelve years back to other days. This excitement is like what we have seen upon this floor before. I think that gentlemen will agree with me that the excitement exhibited in many instances was shown in remarks by gentlemen who afterward regretted them. I remember very well, after an appropriation bill or perhaps a tariff bill had been discussed for a long time in the House, the then distinguished chairman of the Committee on Ways and Means turned upon his own friends, expecting that they had killed his bill, and declared that when its epitaph came to be written it would be that it had been “nibbled to death by pismires, and kicked to death by grasshoppers.” And there was no doubt that he referred to members of the House. He was not censured or expelled for thus characterizing them. He seemed to be in earnest and deliberately meant what he said. What is there worse than to call a member of Congress a “pismire” or “grasshopper”?

And I remember also another occasion, when you, Mr. Speaker, occupied a more honorable position with us upon this floor, and a controversy arose between you and a distinguished gentleman, then also a member of this House, and we passed it all by without censure or expulsion. I suppose there is not a member in this House to-day who regrets that we did pass it by. I now ask the Clerk to read a passage in the Congressional Globe which I have marked, showing what those members were allowed to say of each other.

Mr. DAWES. I am obliged to interrupt the gentleman by a point of order.

Mr. ELDREDGE. I think it would put the House in good humor; it ought to certainly, and do away with the passion and feeling that now overmasters it.

Mr. DAWES. I will take the ruling of the Chair upon it. I do not think it has any connection with the subject before the House.

Mr. ELDREDGE. I ask it to be read as a part of my remarks, and I think no one will fail to comprehend its connection and application to the subject before the House.

The SPEAKER. The Chair requests the gentleman from Wisconsin [Mr. ELDREDGE] not to have it read; he does not think it has any bearing on this case.

Mr. ELDREDGE. I referred to it only as a precedent. But if the Chair does not desire to have it read I will withdraw it. I think it ought to be read and that it has an important bearing on the subject.

Mr. DAWES. We have unpleasant language enough to go into the RECORD already, without repeating that which the gentleman himself as well as I regret ever occurred here.

Mr. ELDREDGE. If the Chair objects to having it read, I will withdraw it. There was nobody expelled or censured then. I wish to know distinctly whether the Chair objects to having it read.

The SPEAKER. The Chair will say to the gentleman that, while he does not object, he would prefer that it should not be read.

Mr. ELLIS H. ROBERTS. If the language was unparliamentary originally, I object to its being read now.

Mr. ELDREDGE. I think it should be read. I think the House ought to know what it is. The gentleman from Kentucky [Mr. BROWN] must shape his language and form his expressions upon the

habitual conduct of the members of this House. And when he witnesses such controversies as have occurred between the Speaker of the House and a distinguished gentleman who was then a member on the floor, he may have taken that as his example. And I think we ought neither to expel him nor punish him by a vote of censure, if he has not used language worse than any that has been used by more distinguished members of the House which has passed unnoticed as unparliamentary.

The SPEAKER. The Chair's objection to the reading of the remarks referred to by the gentleman from Wisconsin [Mr. ELDREDGE] was based upon the fact—the Chair presumes that he knows to what the gentleman refers—that it involves the mention of the name of a gentleman now a Senator of the United States, and would be violative of that courtesy which should exist between the two bodies.

Mr. ELDREDGE. No Senator's name is mentioned in the passage I have marked, and there is nothing to indicate that a Senator is referred to.

Mr. COX. Was anybody ever expelled for any unparliamentary language used here?

Mr. DAWES. I ask that the rule in relation to the use of disorderly language by members of this House be read by the Clerk.

The SPEAKER. Will the gentleman send to the desk what he desires to have read?

Mr. DAWES. I have it not at hand; but there is a rule of the House in reference to the matter. If the Chair cannot readily turn to it, I will proceed to say a word or two on this question, as my hour will very soon expire.

Mr. Speaker, in offering the substitute I desired to see whether both sides of the House, without regard to any party affiliations, would not stand up for the dignity of the House. I desired, more than all that, to give the member from Kentucky an opportunity before the House to express a regret which if he did not feel I believe every other member of the House felt, that he had used the words which have caused this debate. I have given the member from Kentucky that opportunity, and I regret exceedingly that he has not availed himself of it. On the contrary, in the presence of the House, he reiterates and reaffirms the position he has taken.

I find, however, that my resolution will obtain no support from the other side of the House. I am willing that gentlemen on the other side should take the responsibility of saying to the country that, so far as they are concerned, they have no record to make of reprehension or expulsion for words of this kind used in debate. I am willing that the position they have voluntarily assumed in the justification of this manner of debate and this measure of parliamentary decorum, and in the determination to do nothing to prevent it hereafter, shall go to the country thus early, anticipating the dawn of that day when they themselves shall be responsible for the character of debate and deliberation in this body.

I have accomplished my purpose. I have given gentlemen on the other side of the House the opportunity to say, if they chose, that they with us will record themselves for good order and becoming deliberation in this House. It is necessary, in order to adopt the resolution I have offered, that it should command a two-thirds vote of this House. It cannot have that except it receive the support to some extent of that side of the House. Mr. Speaker, I prefer a resolution that can be adopted without their aid rather than that the resolution I have offered should fail for want of their aid. I therefore withdraw my amendment; and by agreement with the gentleman from New York [Mr. HALE] I demand the previous question.

Mr. COX. I wish to ask the gentleman from Massachusetts [Mr. DAWES] whether there was ever a case of a man being expelled in this House for words spoken in debate?

The SPEAKER. The gentleman from Massachusetts withdraws his amendment and demands the previous question on the original resolution of the gentleman from New York.

Mr. CRITTENDEN. Is it in order to move to strike out the word "prevarication"?

The SPEAKER. Not unless the House should refuse to second the demand for the previous question.

Mr. COX. Is it in order to move to lay the resolution on the table?

The SPEAKER. That motion is in order.

Mr. COX. I make that motion.

Mr. DAWES. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 82, nays 167, not voting 40; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Caldwell, Canfield, John B. Clark, Jr., Clymer, Coningo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hays, Hereford, Holman, Hunton, Knapp, Lamson, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Sloss, J. Ambler Smith, Southard, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—82.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, Jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crouse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Rob-

ert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lampont, Lansing, Lawrence, Lawson, Lewis, Lofland, Longbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Myers, Negley, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, Jr., Poland, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—167.

NOT VOTING—Messrs. Barnum, Barry, Brown, Buckner, Bundy, Benjamin F. Butler, Clinton L. Cobb, Danford, Farwell, Freeman, Frye, Hancock, John B. Hawley, Herndon, George F. Hoar, Kendall, Killinger, Lamar, Marshall, Mitchell, Morey, Niles, Nunn, Page, Phelps, Thomas C. Platt, Potter, Purman, Ransier, Schell, John G. Schumaker, Sherwood, Sloan, William A. Smith, Speer, St. John, Stowell, Strait, Walls, and Wheeler—40.

So the House refused to lay the resolution on the table.

During the vote,

Mr. SENER said: I have been requested by the gentleman from Pennsylvania [Mr. SPEER] to announce he has been suddenly called from the House by the intelligence that his little girl has fallen and broken her arm.

Mr. TREMAIN moved to dispense with the reading of the names.

Mr. YOUNG, of Georgia, objected.

The vote was then announced as above recorded.

The question then recurred on seconding the previous question.

Mr. ELDREDGE. Will the gentleman permit me to strike out the word "prevaricate" and insert the word used by the Speaker, "evasive"?

Several MEMBERS. No! No!

The previous question was seconded and the main question ordered.

The question then recurred on the adoption of the resolution.

Mr. DAWES demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 161, nays 79, not voting 49; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, Jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crouse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lampont, Lansing, Lawrence, Lawson, Lewis, Lofland, Longbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Myers, Negley, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, Jr., Poland, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Charles A. Stevens, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—161.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Caldwell, Canfield, John B. Clark, Jr., Clymer, Cook, Cox, Crittenden, Crossland, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hays, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamson, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Sloss, J. Ambler Smith, Southard, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—79.

NOT VOTING—Messrs. Banning, Barnum, Barry, Brown, Buckner, Bundy, Benjamin F. Butler, Roderick R. Butler, Clinton L. Cobb, Coningo, Creamer, Danford, Eden, Farwell, Freeman, Frye, Hancock, Havens, John B. Hawley, George F. Hoar, Hooper, Kendall, Killinger, Marshall, Merriam, Mitchell, Morey, Niles, Nunn, Phelps, Thomas C. Platt, Potter, Purman, Ransier, Schell, John G. Schumaker, Sener, Sherwood, Sloan, William A. Smith, Speer, Starkweather, St. John, Stowell, Strait, Walls, Wells, Wheeler, and William B. Williams—49.

So the resolution was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUTLER, of Massachusetts. Mr. Speaker, before any other proceeding is taken under the resolution, I ask consent to make a personal explanation.

The SPEAKER. Is there objection?

There was no objection.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I desire simply to say that the courtesies and proprieties of the occasion which has unfortunately detained the House for some time seem to call upon me to make one observation. The gentlemen of the minority were engaged in hunting up and bringing to the attention of the country the various short-comings and wrong-doings of mine under circumstances when I could not reply to them. In the language of a gentle-



man of the minority whom I respect, it did not take much courage to do that. Now, I have been here eight years. I have engaged in debate perhaps a great deal more than I ought to have done. I call upon any gentleman who served with me during the present Congress—I call upon every gentleman here who served with me during the eight years I have been here, whether in all that time I have ever commenced a personal attack upon any man in this House; whether I have ever stepped out of my way to do any unkind thing or say any unkind word of a single gentleman of the House until I was first attacked.

Be he who he may, speak whom I have offended. Let this thing be settled once for all, for I have endeavored with studied courtesy never to attack; and I have endeavored one other thing, sir—when I was attacked never to leave a man until he was sorry he did it. I have no more to say.

The SPEAKER. The Clerk will read the resolution which has been passed by the House.

The Clerk read as follows:

*Resolved*, That the member from Kentucky, Mr. JOHN YOUNG BROWN, in the language used by him upon the floor, and taken down at the Clerk's desk, as well as in his prevarication to the Speaker, by which he was enabled to complete the utterance of the language, has been guilty of a violation of the privileges of this House and merits the severest censure of the House for the same.

*Resolved*, That the said JOHN YOUNG BROWN be now brought to the bar of the House in the custody of the Sergeant-at-Arms, and be there publicly censured by the Speaker in the name of the House.

The member from Kentucky, Mr. JOHN YOUNG BROWN, appeared at the bar of the House in the custody of the Sergeant-at-Arms.

The SPEAKER said: Mr. JOHN YOUNG BROWN, you are arraigned at the bar of the House, under its formal resolution, for having transgressed its rules by disorderly remarks and for having resorted to prevarication when your attention was called to your violation of decorum by the Speaker.

For this duplicate offense the House has directed that you be publicly censured at its bar. No words from the Chair in the performance of this most painful duty could possibly add to the gravity of the occasion or the severity of the punishment. It remains only to pronounce in the name of the House its censure for the two offenses charged in the resolution.

Mr. BROWN. Sir, I wish now to state that I intended no evasion or prevarication to the Speaker, and I will now add no disrespect to the House.

Mr. COX. I move that the House do now adjourn.

The SPEAKER. The gentleman from Pennsylvania [Mr. SCOFIELD] rises to a privileged question.

CHARGE AGAINST HON. W. H. H. STOWELL.

Mr. SCOFIELD. I am directed by the Committee on Naval Affairs to present a report in writing on the alleged sale of a naval cadetship by Hon. W. H. H. STOWELL. The concluding resolution is that the committee be discharged from the further consideration of the subject.

The SPEAKER. The resolution reported by the committee will be read.

The Clerk read as follows:

The committee unanimously agree to submit the following resolution:  
*Resolved*, That the committee be discharged from the further consideration of this subject.

The SPEAKER. Is there objection to the resolution being agreed to?

Mr. COX. What is the subject?

The SPEAKER. The cadetship investigation in reference to the gentleman from Virginia, [Mr. STOWELL.]

Mr. RANDALL. Is that the only resolution reported by the committee?

The SPEAKER. The committee present a report, closing with the resolution which has been read.

The Clerk will again read it.

The resolution was again read.

Mr. SPEER. Will it be in order to have the report read?

Mr. SCOFIELD. The report shows the finding of the committee upon the general allegation, and recites the facts connected with the investigation; and the committee ask to be discharged from the further consideration of the subject.

Mr. RANDALL. I think that report should be called up for action at some other time. If I understand it, it entirely exonerates the gentleman from Virginia.

The SPEAKER. If the resolution is agreed to, it does that.

The resolution was agreed to; and the report was ordered to be printed and to lie on the table.

CIVIL-RIGHTS BILL.

The House resumed the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

The SPEAKER. The gentleman from Wisconsin [Mr. ELDREDGE] has eighteen minutes of his hour remaining.

Mr. BUTLER, of Massachusetts. Will the gentleman from Wisconsin yield to me for a moment?

Mr. ELDREDGE. I will if it does not come out of my time.

Mr. BUTLER, of Massachusetts. By the courtesy of the gentleman from Wisconsin I rise to propose an arrangement by which the convenience of the members may be secured and a vote had at an early hour. I propose at six o'clock to call the previous question, and

that the House then take a recess until ten o'clock to-morrow to go on then with the civil-rights bill.

Mr. PARKER, of New Hampshire. Why not take the recess now? Mr. BUTLER, of Massachusetts. I desire the debate to go on until six o'clock in order to have it run out. There are two gentlemen or three who have got liberty to speak, and if we take the recess now we shall not have time to dispose of the bill to-morrow morning.

Mr. O'BRIEN. I think we might take the recess now.

Mr. BUTLER, of Massachusetts. I do not want to lose another day.

Mr. GARFIELD. I hope the House will agree to the arrangement proposed by the gentleman from Massachusetts, so that we can get to-morrow for appropriation bills. By this arrangement we can get through with this bill by twelve o'clock.

Mr. ATKINS. I move that the House do now adjourn.

The question being taken on the motion to adjourn, it was not agreed to.

Mr. BUTLER, of Massachusetts. I now ask unanimous consent that the previous question shall be considered as seconded at six o'clock, and that the House then take a recess until ten o'clock to-morrow.

Mr. CREAMER. Say half past six.

The SPEAKER. Is there objection to the House taking a recess at six o'clock this evening until ten o'clock to-morrow?

Mr. WILLIAMS, of Massachusetts. I object.

Mr. HAMILTON. Why not take a recess now?

The SPEAKER. The gentleman from New Jersey [Mr. HAMILTON] suggests that the House take a recess now. Is there objection? Mr. MERRIAM. I object. If the proposition is made to take a recess until half past seven, and that we shall then go on and finish up this bill, I shall not object. I do not think we should waste more time over it.

Mr. SENER. Now let us have the regular order, whatever it is.

CHANGE OF REFERENCE.

On motion of Mr. COBURN, by unanimous consent, the Committee on Claims was discharged from the further consideration of the petition of W. G. Ford, and the same was referred to the Committee on Military Affairs.

CIVIL-RIGHTS BILL.

Mr. ELDREDGE. I yield five minutes to the gentleman from Ohio, [Mr. SOUTHARD.]

Mr. BUTLER, of Massachusetts. I will move that the House now take a recess until ten o'clock to-morrow morning.

The motion was agreed to; and accordingly (at five o'clock and thirty-five minutes p. m.) the House took a recess until to-morrow morning at ten o'clock.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: Resolutions of the Chamber of Commerce of Cincinnati, Ohio, on the subject of the application of the Texas and Pacific Railroad Company for aid, to the Committee on the Pacific Railroad.

Also, memorial of the Board of Trade of Cincinnati, Ohio, for the establishment of a branch mint of the United States at Cincinnati, to the Committee on Coinage, Weights, and Measures.

Also, the petition of W. H. Matthews, of Cincinnati, Ohio, for certain changes in the pension laws, to the Committee on Invalid Pensions.

Also, the petition of citizens of Cincinnati, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. BARBER: Memorial of Morris Pinchaner, of Nevada, relative to the construction of Lake Tahoe and Colorado Canal, in the State of Nevada, with lateral branch to Morna Lake, California, to the Committee on Railways and Canals.

By Mr. BRADLEY: The petition of citizens of Alpena, Michigan, for an appropriation to improve the harbor at the mouth of Thunder Bay River, to the Committee on Commerce.

By Mr. BUFFINTON: The petition of George Crookes, of Taunton, Massachusetts, to be refunded recruiting expenses incurred by him in an official capacity, to the Committee on Military Affairs.

By Mr. BURCHARD: The petition of citizens of Albany, Illinois, that the western terminus of the proposed Hennepin Canal be located above the Rock Island Rapids, to the Committee on Railways and Canals.

By Mr. CHIPMAN: The petition of John H. Harkey, of Baltimore, Maryland, to be paid balance of account for hose furnished fire department of Washington, District of Columbia, to the Committee on the District of Columbia.

By Mr. EAMES: The petition of William F. Sayles, president of the Slater National Bank of North Providence, for change of name of bank to Slater National Bank of Pawtucket, to the Committee on Banking and Currency.

By Mr. E. R. HOAR: Petitions of Joel Powers and 33 others, and Daniel Holt and 31 others, of Lowell, Massachusetts, against the extension of sewing-machine patents, to the Committee on Patents.

By Mr. KELLEY: The petition of citizens of the twenty-seventh ward of Philadelphia, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. MAYNARD: The petition of citizens of Cooke, Jefferson, Sevier, and Knox Counties, Tennessee, for the improvement of the navigation of the French Broad River, to the Committee on Commerce.

By Mr. MERRIAM: The petition of citizens of Jefferson County, New York, against the restoration of tax on tea and coffee, to the Committee on Ways and Means.

Also, the petition of citizens of Jefferson County, New York, for an appropriation to improve the mouth of Big Sandy Creek, in the town of Edinburgh, New York, to the Committee on Commerce.

By Mr. PACKER: Memorial of H. T. McAlister, of Pennsylvania, relative to his voting apparatus for legislative bodies, to the Committee on the Rules.

Also, the remonstrance of importers, merchants, and dealers in coffee in the city of Baltimore, against the imposition of a duty on coffee, to the Committee on Ways and Means.

Also, two petitions of citizens of Northumberland, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the same committee.

Also, petitions of citizens of Milton, Pennsylvania, and of Menada Furnace, Dauphin County, Pennsylvania, of similar import, to the same committee.

By Mr. POTTER: Memorial of Henry B. Dawson, proprietor of the Historical Magazine, New York City, relative to post-office irregularities, to the Committee on the Post-Office and Post-Roads.

By Mr. SPRAGUE: Petitions of the city council of Marietta, Ohio, and of citizens of Marietta and Harnar, Ohio, for an appropriation for the improvement of the Ohio River, to the Committee on Commerce.

By Mr. TOWNSEND: The petition of citizens of Chester County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against the duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. WILSON, of Indiana: The petition of William L. Riley, of Washington, District of Columbia, to be paid for earth deposited in the Smithsonian Grounds, to the Committee on Appropriations.

By Mr. WOOD: The petition of C. R. Green, of New York City, to be reimbursed for loss of property by confederate cruisers, to the Committee on the Judiciary.

## IN SENATE.

FRIDAY, February 5, 1875.

### DEATH OF SENATOR BUCKINGHAM.

Rev. BYRON SUNDERLAND, D. D., Chaplain of the Senate, offered the following prayer:

Almighty God, we come before Thee admonished by the tidings of the morning that in the midst of life we are in death; that another member of this body has been called from the scene of his earthly labors. Bless and uphold, we beseech Thee, O Lord God, our Father in heaven, the members of his family and surviving friends in the midst of this great affliction; and may they, with us, not be left to sorrow as those that are without hope, because we are assured that though the workmen cease, yet the work of God shall never fail. O, do Thou help us, and all men, to bear with fortitude and fidelity the struggles and the pains of this earthly state, and finally to attain to the rewards of everlasting life, through Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. FERRY, of Connecticut. I rise, Mr. President, in the performance of what is to me the saddest duty of my public life. I announce to the Senate the death of my late colleague on this floor. This morning, at his home in Norwich, Connecticut, at twenty minutes past twelve o'clock, just as night was turning into morning, Governor BUCKINGHAM died. I hope on another occasion to be able to say something befitting his memory. At present, I offer this resolution:

*Resolved*, That a committee consisting of five Senators be appointed by the Chair to attend the funeral obsequies of Hon. WILLIAM A. BUCKINGHAM, at Norwich, Connecticut.

Mr. ANTHONY. Mr. President, I second the resolution.

The resolution was unanimously agreed to.

The VICE-PRESIDENT appointed as the committee Messrs. FERRY of Connecticut, SHERMAN, STEVENSON, FENTON, and WASHBURN.

Mr. FERRY, of Connecticut. The Senate is aware that in my own infirm condition of health it is hardly possible for me to proceed to the home of my late colleague and return immediately, without serious risk. Were there no other considerations than those personal to myself, I should certainly incur any risk to be present on the occasion to which I allude; but there are others interested in my health, and I must ask to be excused from serving upon the committee.

The VICE-PRESIDENT. The Senator from Connecticut asks to be excused from service on the committee.

The question was determined in the affirmative.

The VICE-PRESIDENT. The Chair will appoint in place of the Senator from Connecticut, the Senator from Maine, [Mr. HAMLIN.] Mr. FERRY, of Connecticut. I offer the following additional resolution:

*Resolved*, That as a further mark of respect for the memory of the deceased the Senate do now adjourn.

The resolution was agreed to, *nem. con.*; and (at twelve o'clock and sixteen minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, February 4, 1875.

### AFTER THE RECESS.

The recess having expired, the House reassembled at ten o'clock a. m. Friday, February 5, 1875.

### SETTLERS UPON THE PUBLIC DOMAIN.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 4548) to protect settlers upon the public domain; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

### A. G. TASSIN.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 4549) for the relief of A. G. Tassin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### NATHANIEL JOHNSON COFFIN.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 4550) granting a pension to Nathaniel Johnson Coffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### EXECUTIVE ORDER OF MARCH 12, 1873.

Mr. LUTTRELL. In the absence of the member from Nevada, I present concurrent resolutions of the Legislature of the State of Nevada, asking the passage of a resolution requesting the President to rescind the executive order of March 12, 1873, setting apart a large quantity of agricultural lands in Lincoln County, in the State of Nevada, for an Indian reservation, known as the Muddy or Moapa Indian reservation. I move that they be referred to the Committee on the Public Lands, and ordered to be printed.

The motion was agreed to.

### W. R. BOICE.

Mr. DURHAM, by unanimous consent, introduced a bill (H. R. No. 4551) for the relief of W. R. Boice, of Danville, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### REVENUE-CUTTER SERVICE.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 4552) for retiring from active service certain officers of the United States revenue-cutter service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### THOMAS STRIDER.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 4553) for the relief of Thomas Strider, of Winchester, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

### JAMES W. LEWELLEN.

Mr. HUNTON also, by unanimous consent, introduced a joint resolution (H. R. No. 149) giving to the United States Court of Claims jurisdiction in the case of James W. Lewellen, of Richmond, Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### REMOVAL OF POLITICAL DISABILITIES.

Mr. COX. I ask unanimous consent to introduce a bill for the relief of an old associate here from his political disabilities—Mr. Hawkins, of Florida.

The SPEAKER. He has petitioned?

Mr. COX. Yes, sir.

No objection was made, and the bill (H. R. No. 4554) to remove the political disabilities of George S. Hawkins, of Florida, was read a first and second time, ordered to be engrossed and read a third time, and (two-thirds voting in favor thereof) was passed.

### COLLECTION OF CUSTOMS DUTIES.

On motion of Mr. POLAND, by unanimous consent, the bill (S. No. 964) to provide for the revision of the laws for the collection of customs duties was taken from the Speaker's table, read a first and second time, and referred to the Committee on Ways and Means.

### METROPOLITAN GROVE-YARD SLAUGHTERING COMPANY.

Mr. O'BRIEN (by request) introduced a bill (H. R. No. 4554) to incorporate the Metropolitan Grove-Yard Slaughter Company, in the District of Columbia, and for other purposes; which was read a first